

THE POLITICAL SPEAKING OF  
HENRY WASHINGTON HILLIARD:  
SOUTHERN UNIONIST

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By  
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## CHAPTER I

### A SOUTHERN UNIONIST SPEAKS ON THE EVE OF SECESSION

From 1840 through 1860 the fire-eaters and unionists in the slave states waged a significant contest for domination of political thought. Among the numerous spots where battle lines were drawn, Montgomery, Alabama, ranks high in importance. For it was here that the memorable debates between the radical, William L. Yancey, and the unionist, Henry Washington Hilliard, took place. "Their debates," states a contemporary figure, "were more frequent, . . . covered a larger territory and a richer one, were attended more universally by the domiciled population, were more anxiously observed from beyond the State and were an oratorical display more impressive than distinguished stump speaking elsewhere, it is believed, even in America."<sup>1</sup>

Yancey's accomplishments are well known to modern scholars, but, surprisingly enough, the contributions of his perennial opponent are scarcely familiar to many present day students of Southern history. Nevertheless, evidence points clearly to the fact that Hilliard, through his

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<sup>1</sup>John W. Du Bois, The Life and Times of William L. Yancey, 2 vols. (New York, 1942), I, 185.

orations on the stump, in Congress, and on special occasions, exerted an influence on behalf of unionism which was as great as that exerted by Yancey for the cause of secessionism.

To see Hilliard at the height of his power let us consider his dramatic plea in favor of unionism delivered at Estelle Hall in Montgomery in December, 1860. First, however, it is necessary to place the speech in its historic setting.

When John Brown's little band attacked Harper's Ferry in October, 1859, the already existing fear and anger of the South increased. Many Southern leaders became convinced that the North wanted to promote slave uprisings. Some state legislatures, consequently, demanded immediate action. The legislature of Alabama, taking a significant step, raised funds for military purposes, and instructed Governor Andrew Moore to call a state convention in the event a Republican president were elected in November, 1860. The Democratic State Convention, assembling several weeks later, endorsed this bold move.<sup>2</sup>

Anticipating the election of a Republican president by almost a year, Alabama might well have been the

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<sup>2</sup>Roy F. Nichols, The Disruption of American Democracy (New York, 1948), 279.

first state to initiate the secession movement in 1860.<sup>3</sup> Circumstances, however, prevented her from earning this dubious honor. Although Governor Moore was an ardent secessionist, he was a strict constitutionalist. He, therefore, withheld the proclamation until after it was officially learned that Lincoln had received a majority of the electoral votes. Action in Alabama was thus delayed for a month; in the meantime, South Carolina became the national leader of the secession cause. Alabama, however, was close behind. Moore issued a proclamation in which he named January 7, 1861, as the date for assembling a convention, and December 24, 1860, as the time for the election of delegates.<sup>4</sup>

During this crisis Henry W. Hilliard, long active in Alabama politics, wrote to the editors of Harper and Brothers as follows: "All about us here is . . . without form and void! The overwhelming sentiment is for secession. I am opposing it, but it is like the charge of the Six hundred at Balaklava. South Carolina will secede and it is probable that several other states will follow her."<sup>5</sup>

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<sup>3</sup>Dwight L. Dumond, The Secession Movement, 1860-1861 (New York, 1931), 136.

<sup>4</sup>Ibid., 137n.

<sup>5</sup>Henry W. Hilliard to Messrs. Harper and Brothers, Montgomery, November 30, 1860, Henry W. Hilliard Letters, Duke University Library.

Such an emergency, however, had not come as a surprise to Hilliard. More than two years before, he had told the delegates to the Southern Commercial Convention in Montgomery that the election of a Black Republican candidate in 1860 would dissolve the Union.<sup>6</sup> He repeated this prediction in speeches before Northern audiences during the presidential campaign of 1860.<sup>7</sup> The North failed to heed his warnings. While the disaster which he had prophesied was about to be fulfilled, Hilliard tried to persuade his people to remain in the Union. He explained his position in the following statement recorded in his memoirs:

Loyal to the South, of which I was a native, where I had grown up, where I had been educated; all my hopes and interests being identified with its prosperity, happiness, and glory; I was still national, and desired that Alabama should await some further action on the part of the general government before taking any steps to withdraw from the Union.<sup>8</sup>

Other political leaders, holding similar views, asked Hilliard to make a final appeal to the people of

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<sup>6</sup> De Bow's Review, XXIV (June, 1858), 592.

<sup>7</sup> Speaking on behalf of the Constitutional Union cause in 1860, Hilliard delivered speeches in Newark, New York, Boston, Utica, and Buffalo.

<sup>8</sup> Henry W. Hilliard, Politics and Pen Pictures (New York, 1892), 309.

Alabama, urging them to delay secession. As a result, the Unionist leader spoke on December 10th before a crowded house in Estelle Hall in Montgomery. Hilliard knew that it was too late to change the course of his adopted State, yet believing that "no one has a right to withhold his counsels in this crisis," he expressed his views with freedom and candor. "What I am about to say," he observed in his opening remarks, "springs from patriotism quite as pure as that of any man." He then added: "I am not looking for political distinction. I am content with the past."<sup>9</sup>

The central theme of the discourse which followed was that Alabama should not separately secede from the Union. Before such an extreme step was taken, argued Hilliard, all the slaveholding states should be consulted. Alluding to history, he showed how power is essential to a government. When Rome became too corrupt to maintain liberty, her empire fell. Similarly, when the kingdom of Greece separated into component parts, it could no longer repel the Persians. What about Alabama? continued Hilliard. As an independent Republic, she would be powerless to protect the liberty and property of her citizens. Fleets, for example, would be needed to guarantee the

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<sup>9</sup>Montgomery Confederation, December 21, 1860. A verbatim report of the speech appears in this issue.

rights of Alabamians when they went abroad; yet Alabama had no fleets, nor any hope of building them. Should Alabama not take a wiser course, therefore, and wait for the concerted action of all the Southern states?

In a narrow sense, Hilliard was arguing for delayed secession in cooperation with all of the slaveholding states. Actually, however, his appeal was a foil for a more important argument, namely, that Alabama should assert her rights within the Union. After graphically describing the high degree of prosperity in the United States, Hilliard pointed out that Alabama was indebted to the Union for her economic advancement. He then eulogized the flag of the federal government as a symbol of sublimity and power.

I have loved the Union--I have desired to avert the perils which now surround it--I have seen the great standard of the Republic floating in the light of heaven, and greeted it with pride and exultation--I have recalled its historic glories, its triumphs over pirates, who fled before it to their fastnesses and ceased to infest the seas--its streaming victoriously in the midst of the smoke of battle from the masts of our own ships, and those proud days when our gallant seamen leaping upon the enemy's deck, have torn down the cross of St. George, and run up in its place the resplendent flag of clustered stars. Proud--proud memories, are they to perish?

In conclusion, Hilliard combined strong ethical and pathetic appeals to form a structural climax.

Gentlemen, I have done my duty. The sentiment of the city and of the State may be overwhelmingly against

me--that cannot move me. . . . I may be ostracized--Aristides was banished because he was just. He does not deserve the name of man who withholds his real sentiments, because there is a powerful majority against him. . . . If I am forever excluded from the posts of ambition because I have honestly counselled my State, I shall at least retain the glorious consciousness of having done my duty. . . . Do your duty, gentlemen. --Duty is the sublimest word in the English language; far sublimer than power or fame. The grandest structures reared by man perish--the proudest Empires sink under the pressure of Time--glory is even more evanescent, that fades before the brief term of human life; but duty is immortal; God links it to his own administration, and it becomes as enduring as his Throne.

Hilliard had this to say about the effectiveness of his last great speech for the Union cause: "The large audience, the great majority of whom held opinions widely different from mine, heard me respectfully, but did not give me their sympathy."<sup>10</sup> At the conclusion of the address, Thomas Watts was called upon to answer Hilliard. Showing a magnanimous spirit rarely seen in partisan politics, Watts declined to give a speech of refutation. Instead, he praised Hilliard for his years of faithful service. While we do not agree with him, asserted Watts, we honor him for the distinction which he has won not only for himself but for the State of Alabama.<sup>11</sup>

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<sup>10</sup> Hilliard, Politics and Pen Pictures, 310.

<sup>11</sup> Ibid.

Although this may not have been Hilliard's most influential speech, it was doubtless his bravest. For the citizens of Alabama in December, 1860, were rallying behind the fire-eaters and denouncing the Union and the newly elected Black Republican leader. The frenzied cry for secession could be heard throughout the state. Yet, during this period of emotional fervor, Hilliard risked his political future by counselling the people to reject the demand for secession.

One might well ask several pointed questions concerning the speaker and the speech on this occasion. How could Hilliard, an ardent believer in state rights, maintain faith in the Union after Lincoln's election? Why was he chosen by the cooperationist leaders to make this final appeal for delayed secession? Why did an audience, holding antithetical views, listen "respectfully" to an acknowledged Unionist? Why did an opposition leader, having access to strong arguments and evidence in support of his own position, refuse to refute Hilliard's charges? What services had he rendered to his state and country? Finally, and most important, what part did oratory play in Hilliard's political successes?

In answering these questions, it is important to examine the conditioning influences which moulded

Hilliard's character, and, in turn, which enabled him to exert a profound influence on the political thought of his day. Against this background, it will be possible to trace in chronological order his rhetorical career as it unfolded in Congress, on the hustings, in conventions, and on special occasions.

## CHAPTER II

### EARLY LIFE AND TRAINING

The orator and the speech heard at Estelle Hall were not the product of the hour or of chance. Rather they were the outgrowth of numerous conditioning forces which had been in operation for sixty years. To a large extent Hilliard was motivated by his heredity, early childhood, education and training, occupation, friends, and experiences. Because of the nature of this background, he boldly--and often triumphantly--defied the majority throughout his public life.

Of the many influences which helped control the rhetorical practice of Hilliard, perhaps none had more effect than did his education and early speech training. In college and in law offices he gained knowledge and experience which were utilized to advantage throughout his public life. To appreciate this, it is essential to examine three phases of his early life: first, the period from his birth to his entrance in college; second, his three years as a student at South Carolina College; and last, his four years of study in the law offices of William C. Preston in Columbia, South Carolina, and Judge Augustin

Clayton in Athens, Georgia.

Henry Washington Hilliard was born on August 4, 1808, in Fayetteville, North Carolina. While yet an infant he was taken by his parents, William and Mary Hilliard, to Columbia, South Carolina, where he lived until 1828. These meager details seemingly constitute all that is known of Hilliard's family background and the first fifteen years of his life.<sup>1</sup> We may conjecture, however, that Hilliard received thorough academic training prior to his admission to college. Otherwise he could not have passed the entrance examinations which included searching questions on Latin, Greek, English Grammar, Algebra, Geometry, and Geography. A circular of the South Carolina College, dated June, 1821,

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<sup>1</sup>In the numerous sketches of Hilliard's life that appear in various newspapers, books, articles, and dictionaries, nothing is said of his parents and the nature of his training at home. Nor does Hilliard give any information about his early life in his book, Politics and Pen Pictures. Moreover, a genealogical survey of the family name of Hilliard provides no clues to the mystery surrounding his early years. Mrs. Stewart Spalding, a granddaughter-in-law of Hilliard and a student of genealogy, reports that she has been unable to find any information on this phase of Hilliard's life. "I cannot even tell you who his parents were. Our records--scrapbooks--almost everything we had--were destroyed in the '26 hurricane--Miami Beach--" Mrs. Stewart Spalding to the writer, Atlanta, November 29, 1952. A similar letter was written by E. Hilliard Spalding, Hilliard's only living grandchild. E. Hilliard Spalding to the writer, Atlanta, Georgia, November 18, 1952. In view of the fact that many of the sketches of Hilliard's life were written while he was yet living, it seems strange that Hilliard, himself, did not provide any data concerning his family background.

sets forth the following rigid requirements for admission into the Freshman class:

A candidate is required to write a good legible hand, to spell correctly, to have an accurate knowledge of English, Latin and Greek Grammars, including Prosody, to be able to make grammatical Latin of the Exercises in Mair's Introduction, to translate into English, with facility and correctness, Ceasar's Commentaries on the War with Gaul, and the whole of Virgil's Aeneid from the Latin, and from the Greek, the four Evangelists, and the Acts. . . giving in both cases, a regular grammatical analysis of the words. --He is also required to be well acquainted with arithmetic, including Vulgar and Decimal Fractions, --the Extraction of Roots.<sup>2</sup>

To enter the sophomore class--as Hilliard succeeded in doing--a student needed, in addition to the above requirements, a knowledge of "Cicero's Orations, the Odes of Horace, the Collectanea Graeca Minora, Xenephon's Cyropaedia, and Bonycastle's Algebra."<sup>3</sup>

From the standpoint of scholarship Hilliard was fortunate in entering college during the administration of Thomas Cooper, who at that time held a foremost rank among America's leading scientists and political thinkers. Inaugurated as president of South Carolina College in 1821, Cooper immediately set out to improve the academic standards

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<sup>2</sup>Circular of the South Carolina College, June, 1821, South Carolina Collection, University of South Carolina Library.

<sup>3</sup>Ibid.

of the school. As a result, entrance requirements were not only raised but were more rigidly enforced. Cooper told the trustees in April, 1822, that stricter requirements at South Carolina College had been instrumental in raising the level of education in the entire state. This was true since academies, hoping to prepare students for entrance into college, were compelled to do better work.<sup>4</sup> "The secondary schools," observed Greene, "prepared so well that about the beginning of Dr. Cooper's Administration students entered the sophomore class or a higher class, rarely the freshman."<sup>5</sup>

The number of rejectees during the 1820's is further proof of the high entrance requirements at South Carolina College. On one occasion in November, 1825, eight candidates for admission failed to qualify.<sup>6</sup> One year later seven candidates for the junior class were also rejected.<sup>7</sup> The difficulties involved in the examination were clearly demonstrated by the experience of James H. Thornwell, leading student of the class of 1831.

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<sup>4</sup>Minutes of the Board of Trustees, April (n.d.) 1822.

<sup>5</sup>Edwin L. Green, A History of the University of South Carolina (Columbia, 1916), 174.

<sup>6</sup>Minutes of the Faculty, November 30, 1825.

<sup>7</sup>Ibid., December 2, 1826.

Thornwell applied for entrance into the junior class in December, 1829, and was thoroughly examined first in geography, English grammar, and Greek. He passed these subjects and pleased Thomas Cooper, but found the other faculty members to be "extremely rigid" in their demands. He became so nervous that he almost failed in Latin, but finally cleared that hurdle only to fail in Algebra and geometry. The future president of the college spent about a month in studying his deficient subjects, took the examination again in January and passed. At the same time Thornwell noted that another applicant failed for the third time.<sup>8</sup>

When Hilliard took the examination in October, 1823, he was subjected to a similar ordeal. Apparently he had received the necessary preparation, however, for he was admitted as a member of the sophomore class.<sup>9</sup>

There were 108 students, five professors, and two tutors at South Carolina College in 1824.<sup>10</sup> The curriculum for the sophomore year showed a decided bias for classical languages and mathematics. Hilliard, along with other sophomores, was required to study Xenophon's Cyropaedia, Homer's Iliad, Horace's Satires, Epistle and Art of Poetry, Geography, Bonnycastle's Algebra, and

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<sup>8</sup>Daniel W. Hollis, South Carolina College (Columbia, 1951), I, 85.

<sup>9</sup>Minutes of the Faculty, October 7, 1823.

<sup>10</sup>South Carolina College Catalogues 1806-1835. Copied from original manuscript catalogues in South Carolina Collection, University of South Carolina Library (Columbia, 1934).

Simson's Euclid.<sup>11</sup> That this emphasis on languages continued during the junior and senior years can be seen by the fact that upperclassmen were asked to study the works of such men as Homer, Xenophon, Cicero,<sup>12</sup> and Tacitus. Each student recited twice a week in Latin and Greek.<sup>13</sup> Similarly, in the course in composition, seniors wrote "alternately an English and a Latin composition once a fortnight."<sup>14</sup> With such training it is not surprising that Hilliard incorporated into his ultimate public addresses numerous allusions to the classics. Moreover, at this time he developed an interest in the oratory of Demosthenes and Cicero which continued throughout his life.

Nor was a knowledge of and proficiency in the languages the only major influence on Hilliard's rhetorical practice. Three additional areas of study also played a significant role: metaphysics, rhetoric and belles

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<sup>11</sup>Circular of the South Carolina College, June, 1821, South Carolina Collection, University of South Carolina Library.

<sup>12</sup>The principal work studied in connection with Cicero was his De Oratore.

<sup>13</sup>Minutes of the Faculty, June 24, 1822.

<sup>14</sup>Minutes of the Board of Trustees, December 1, 1823.

lettres, and political science. The course in metaphysics dealt with moral philosophy and evidences of Christianity. Following in the tradition of Hugh Blair, the professors of Rhetoric at South Carolina College also taught the allied field of belles lettres. Thus, Hilliard became acquainted not only with rhetoric per se, but with logic, the philosophy of language, and elements of criticism as well.

The course in political science, called "Political Economy," was added to the curriculum in January, 1825.<sup>15</sup> Conceived and taught by Thomas Cooper, this unique subject was, according to Hollis, "Cooper's most important contribution to the institution's course of study."<sup>16</sup> Particularly the president incorporated the theory of state rights and laissez-faire in his lectures. "His championing of extreme doctrines of state rights," observes Dumas Malone, "identified him with the faction which ultimately became dominant in the state."<sup>17</sup> His adherence to the teachings of Adam Smith, Ricardo, and Mill, on the other hand led him

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<sup>15</sup> Ibid., December 3, 1823.

<sup>16</sup> Hollis, South Carolina College, I, 82.

<sup>17</sup> Dumas Malone, The Public Life of Thomas Cooper, 1783-1839 (New Haven and London, 1926), 281.

to advocate strongly the doctrines of laissez-faire.<sup>18</sup> In addition to being exposed to these ideas in the classroom, the students also had an opportunity to read them in pamphlet form after 1826.<sup>19</sup>

Not only was the South Carolina curriculum important in Hilliard's training, but he was taught by qualified teachers as well.<sup>20</sup> Judging from their printed works, we may conclude that the professors were, at least, capable scholars. Thomas Cooper, Robert Henry, James Wallace, and Henry Nott wrote articles which appeared in Hugh Legare's Southern Review. In addition, they did "what they could," states Hollis, "to get the Charleston intellectual renaissance under way."<sup>21</sup>

Of these faculty members, Cooper undoubtedly was the most colorful and effective. La Borde, a student at South Carolina College during the 1820's, gives the following account of Cooper's lecturing technique and vast experience:

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<sup>18</sup>Ibid., 305.

<sup>19</sup>Ibid., 304.

<sup>20</sup>While Hilliard was a student, the five professors and their areas of specialization were as follows: Thomas Cooper, Chemistry and Political Economy; Robert Henry, Metaphysics and Philosophy; Henry J. Nott, Rhetoric and Belles Lettres; James Wallace, Mathematics; and Thomas Park, Latin and Greek.

<sup>21</sup>Hollis, South Carolina College, I, 79-80.

Never, perhaps, was there a better lecturer, a finer teacher. He had the enviable gift of telling well and impressively all that he knew. . . . His own personal experience had been large and peculiar. He had mingled intimately with the most remarkable men of the Old and the New World, and had been an eye witness of some of the most stirring and interesting events recorded in history. He knew Fox, and Pitt, and Sheridan, and Erskine and Burke, and would tell of the impression made upon him when he witnessed those mighty efforts which have shed such glory upon the authors and their country. With Watt he had gone to Paris during the French Revolution, and had been closeted with Robespierre, Petion, and other members of the Jacobin Club. Coming to America in 1792, he made the acquaintance of the great men of the Revolution, and throwing himself actively into the cause of Jeffersonian democracy, was admitted to terms of intimacy with its leaders.<sup>22</sup>

Jefferson, especially, was impressed with Cooper's ability and training. In a letter to Cooper in 1823, he said that "no man living cherishes a higher estimation of your worth, talents and information."<sup>23</sup> It seems clear, then, that the South Carolina President must have had an enormous effect upon his students. In this connection, Hollis has pointed out that

The states' rights principles with which Thomas Cooper indoctrinated the minds of his charges were of lasting effect. It was largely

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<sup>22</sup> Maximilian La Borde, History of South Carolina College (Columbia, 1859), 170-171.

<sup>23</sup> Thomas Jefferson to Thomas Cooper, Monticello, December 11, 1823, Thomas Jefferson, Works, 12 Vols. (New York, 1905), XII, 329.

from Cooper, rather than Calhoun, Hayne, or McDuffie, that young Langdon Cheves and a host of other youthful Carolinians derived their doctrines. Many of Cooper's former students, like Cheves, emerged from the college as active or potential secessionists and some twenty-four of his former charges were delegates to the secession convention.<sup>24</sup>

Another force, closely related to Cooper's course in political economy, perhaps deserves mention at this point. Prominent South Carolinians, delivering important political addresses either in the State Legislature at Columbia or in the chapel at South Carolina College, made a deep impression upon the students. Thirteen years after Hilliard left college, he said in a debate with William Smith:<sup>25</sup>

It is not a little singular that the first speech to which I ever listened in defense of the State Rights doctrine was made by the distinguished gentleman [Smith] from Madison. He was at that time a member of the South Carolina Legislature. His fame was ripe; his name was a tower of strength; and he fully sustained his reputation by a powerful exhibition of those peculiar political principles for the defense of which that patriotic state has since become so distinguished. I was a boy, leaning from the gallery, and listening with eager ear to the debate. The impression then made on me has never passed away.<sup>26</sup>

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<sup>24</sup>Hollis, South Carolina College, I, 266.

<sup>25</sup>William Smith, who had been prominent in South Carolina politics for years, moved to Alabama and there became active in state politics.

<sup>26</sup>"The Sub-Treasury System," Henry W. Hilliard, Speeches and Addresses (New York, 1855), 17.

Hilliard was similarly impressed with Calhoun who spoke at South Carolina College in the middle 1820's: "I observed him with youthful ardor, regarding him as the impersonation of statesmanship of the highest order."<sup>27</sup>

That the teachings of Cooper and the speeches of political figures substantially influenced Hilliard seems clear. Although he later became a staunch unionist, he consistently upheld the doctrine of state rights in Congress and in the North, as well as in the South.

The influence which was exerted by the courses and the instructors at South Carolina College was supplemented by an equally significant conditioning force. The college provided two important outlets for the development of eloquence: classroom exercises in elocution and extra-curricular debates and orations in the literary societies. Since speaking "was the principal source of reputation at that time,"<sup>28</sup> the students prepared with interest these assignments in speech.

The elocution exercises were declamations which might be delivered either in English or in Latin. Sometimes they were presented in the classroom, at other times

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<sup>27</sup>Hilliard, Politics and Pen Pictures, 3.

<sup>28</sup>William C. Preston, The Reminiscences of William C. Preston, Minnie Clare Yarborough, ed. (Chapel Hill, 1933), 6.

in the chapel. The following resolution, passed by the speech-minded board of trustees in December, 1823, shows clearly the type of training which Hilliard received in his exercises in declamation:

There shall be public declamations in the Chapel to be attended by the Students on the first and third Thursdays in every month, when positions of the Sophomore and of the Junior Classes, shall alternately pronounce in the presence of one of the Faculty, select pieces of English or of Latin composition--and it shall be the duty of the officer attending, to remark and point out to the Speakers, their errors in enunciation, accent and emphasis; and to note the success of either of them in avoiding these.<sup>29</sup>

Extensive as this requirement in declamation appeared to be, it represented but a small part of the speech practice received by the seniors. Said the trustees:

The Senior Class shall in addition to their other duties and exercises, once a month pronounce in the Chapel, before the Faculty, forensic disputation subjects submitted by them for that purpose in Alphabetical order; the first on the list taking the affirmative, the second, the negative side, and thus alternately till the class be exhausted--and for this purpose the class shall be divided into two parts, one of which shall perform at a time. There shall be two public exhibitions in the Senior year, in each of which there shall be delivered an English and a Latin oration, a forensic dispute, and a conference, if the members of the class shall admit of it: and the individual to whom these parts may be assigned by the Faculty shall not be allowed to decline or refuse them. . . .<sup>30</sup>

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<sup>29</sup> Minutes of the Board of Trustees, December 8, 1823.

<sup>30</sup> Ibid.

It is significant to note that Cooper and his faculty did not share the students' and trustees' enthusiasm for the declamation exercises. In December, 1823, Cooper told the trustees:

As to elocution--From the time of my coming to this institution to the present time, no such exercises have been exacted from the students. . . . I have so much objection to all artificial elocution, as being calculated to make mannerists, declaimers and orators without ideas, that I should not introduce those exercises, unless specifically required to do so.<sup>31</sup>

One year later the faculty, led by Cooper, decided that it was no longer expedient to require the sophomores and juniors to present speech exercises because it necessitated "a sacrifice of time, that might be bestowed upon more important subjects."<sup>32</sup> In the opinion of the trustees, however, no subject was more important than oratory.<sup>33</sup> Several of the trustees, including William C. Preston, were proud of their college declamations.<sup>34</sup> Naturally they

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<sup>31</sup> Ibid., December 3, 1823.

<sup>32</sup> Minutes of the Faculty, January 17, 1825.

<sup>33</sup> In their resolution of December, 1823, the trustees declared that "the art of forcibly and accurately conveying thought, is nearly as important as the art of thinking itself. . . ." Minutes of the Board of Trustees, December 8, 1823.

<sup>34</sup> Preston, Reminiscences of William C. Preston, 5-6.

could not agree with Cooper who had disparagingly said that such training produced "declaimers and orators without ideas."

Prior to this controversy the trustees had complied fully with the requests of the president. On this occasion they disregarded his wishes and demanded that the exercises in elocution be revived immediately.<sup>35</sup> Not content with this action, they conducted a similar inquiry less than two years later to see to what extent their orders were being carried out.<sup>36</sup> Perhaps one reason for the attitude of the faculty was that the exercises meant an addition to their teaching load. After preparing lectures, listening to daily recitations, and grading papers, they had little desire to go to the chapel to hear a student's declamation.

To some extent Cooper may have been correct in referring to the declamations as artificial. No similar charge, however, could be made against the type of speaking sponsored by the two literary societies of the institution--the Clariosophic and the Euphradian.<sup>37</sup>

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<sup>35</sup>Minutes of the Board of Trustees, December 8, 1823.

<sup>36</sup>Minutes of the Faculty, May 6, 1825.

<sup>37</sup>Both societies were organized in February, 1806.

As members of one or the other of these organizations many of South Carolina's leading political figures--men such as Hugh S. Legaré and William C. Preston--acquired a high degree of communicative skill. The chief emphasis of the societies was on argumentation and debate and extemporaneous oratory. Significantly, the name, Euphradian, means "correctness of speech." Some consideration was given, however, to the promotion of an appreciation for literature.

Assigned to the Euphradian Society during his sophomore year, Hilliard met with his colleagues each Saturday evening for the next three years. Society Minutes show that Hilliard participated in forty-two debates, delivered three monthly orations, and the senior valedictory address.<sup>38</sup> Moreover, he had numerous opportunities to join in group discussion. The Constitution stated that "any two members wishing to discuss any debate, which they may select, shall be allowed to discuss the same, after the ordinary debates of the evening."<sup>39</sup>

The number of participants in the debates ranged from one to seven or eight members on each side of the

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<sup>38</sup>Euphradian Society Minutes, 1823-1826.

<sup>39</sup>Euphradian Society Constitution, 1806-1841.

question. In most instances, however, Hilliard was part of a three-man team. It is interesting to note that he participated five times in one-man debates, and in each case was on the negative side.

At the conclusion of each contest the Society members evaluated the debates and rendered a decision. "After the debate is finished," stated the Constitution, "the President may sum up the arguments and give his opinion, but the Society shall determine the question."<sup>40</sup> As might be expected, the decisions were often affected by the biases of the listeners. This was particularly true of the political discussions. Out of forty-two debates Hilliard was on the winning team twenty-five times. As a single debater he won three and lost two contests.

An important factor in Hilliard's college debate training was the nature of the subjects chosen for discussion. The propositions were quite equally divided between topics of a political, religious, philosophical, and historical nature. Typical of the questions based on politics which Hilliard analyzed were the following:

Is the condition of the Africans ameliorated by the change of condition, i.e. by becoming a slave?

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<sup>40</sup> Ibid.

Should Congress intermeddle in any manner whatever, concerning the emancipation of slaves in Southern States?

Is a National debt a National evil or a National blessing?

Has the General Government a right to commence a system of internal improvement?

Should the government be elected by the Legislature or by the people?

As regards the election of a President and a Vice President would it be judicious on the part of Congress to establish a general system of voting by districts and to prevent the election of these officers from devolving upon their body?

Should a coalition be formed between the American Republics?

Are the Russians justified in seizing the Sabine?

Would it be politic for Russia to assist Greece in the struggle for freedom?<sup>41</sup>

Thus, during this formative period in Hilliard's life he became well acquainted with the leading domestic and foreign policy issues of his day. Opinions which he then formed concerning slavery, internal improvements, election procedures, and foreign relations were to have a decided effect in shaping his political thought.

The second group of topics covered a wide range of knowledge embracing religion, philosophy, and history. Some of the representative subjects in these areas discussed by Hilliard were:

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<sup>41</sup>Euphradian Society Minutes, 1823-1826.

Is our belief in the existence of God instinctive?

Is ambition calculated to produce happiness or misery?

Should a person in every instance adhere to the truth?

Was the reign of Bonaparte beneficial or injurious to France?

Did the crusades benefit mankind?

Is any advantage to be derived from reading novels?<sup>42</sup>

Judged by modern debate practice, some of the above, propositions are not debatable. Notwithstanding this fact, they rendered a valuable service to the student. A consideration of such subjects helped both the speakers and the listeners broaden their liberal arts background. Of equal significance, however, is the fact that these discussions, along with those on political theory, contributed materially to the development of rhetorical skill.

The Euphradian Society also placed a strong emphasis upon its weekly, monthly, and special occasional orations. As a general rule, two discourses were presented at each meeting. In addition, a monthly orator was chosen. His address was usually delivered at the close of the discussion on the debates. The greatest honor that could be bestowed upon a member of the society, however, was to

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<sup>42</sup> Ibid.

be elected as anniversary or valedictory orator. A leading junior was asked to deliver the anniversary address, while an outstanding senior was selected to present the valedictory oration. Although these addresses were not a part of the graduation exercises, they were delivered during Commencement week, and were open to the public.<sup>43</sup> It was in this connection that Hilliard received perhaps his greatest honor while a student at South Carolina College. The Society Minutes of May, 1826, report that he was chosen valedictory orator. The subject of his discourse reveals an early bias for politics, and was entitled, "The tendency of the American Government to exalt the character of its people."<sup>44</sup>

Perhaps the best way to summarize the Society's interest in public speaking is to examine the order of business for each weekly meeting. Under "Miscellaneous Regulations" the Constitution stated:

The order of proceedings of this Society shall be as follows. 1st. The calling the first Roll. 2nd. The performance of the first orator. 3rd. The reading of the minutes of the former meeting. 4th. The proposition, election and initiation of Members. 5th. The ordinary debates and remarks of the Critics in each debate. 6th. The proposition and consideration of motions. 7th. The announcing of the regular exercises. . . . 8th. The reports of the Secretary and Treasurer and the reports and general remarks of the Critics. 9th. The performance of the last oration. 10th. The calling

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<sup>43</sup>Euphradian Society Constitution, 1806-1841.

<sup>44</sup>American Review, X (December, 1849), 611.

of the last Roll.<sup>45</sup>

With such an emphasis on oratory the Society took special precautions to insure careful preparation by the speakers. Fines were levied against those students who failed to carry out an assignment. The amount of the fine, of course, depended upon the seriousness of the neglect. For laughing aloud or interrupting a debater the member was required to pay 12½ cents; if a member did not prepare for an anniversary or valedictory oration, he was fined the sum of five dollars. Moreover, it was not always enough to have delivered a speech on schedule. Manuscripts for special occasion orations had to be submitted to the recorder. Those who neglected this requirement paid fines ranging from two to five dollars.<sup>46</sup>

Since eloquence was one of the best means through which to acquire a reputation in South Carolina in the early 1820's, the Euphradian Literary Society and, to a large extent the college curriculum itself, were dedicated to the task of training effective speakers. Hilliard, like many of his contemporaries, profited from this emphasis on oratory. Though young in years when he left school, he was an experienced speaker.

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<sup>45</sup>Euphradian Society Constitution, 1806-1841.

<sup>46</sup>Ibid.

Hilliard evidently was proud of the education and training that he received at South Carolina College.

Speaking before the Literary Societies of his alma mater in June, 1871, he said:

Here some of the brightest days of my life were passed. In these halls, consecrated to learning, I received instruction from men distinguished for their attainments and their virtues--not one of whom survives. . . . The College was in its glory. It took rank with the noblest institutions in the land.<sup>47</sup>

Not much is known of the nature of Hilliard's legal training following his graduation from college. After spending two years in the law office of William C. Preston in Columbia, he moved to Athens, Georgia, and studied an additional two years in the office of Judge Augustin Clayton.<sup>48</sup> During this latter period of study he was

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<sup>47</sup> Henry W. Hilliard, The Progress of Civilization in the United States, Oration delivered before the Literary Societies of the University of South Carolina (Columbia, 1871).

<sup>48</sup> By 1828 Clayton had achieved distinction as a lawyer, political figure and writer. A member of the first graduating class at the University of Georgia in 1804, he was admitted to the bar two years later. In 1810 he was appointed by the Georgia Assembly to compile the statutes of Georgia from 1800. In the same year he served as a member of the lower house of the Georgia Legislature, and in 1812 served as a member of the State Senate. From 1813 through 1815 he was Clerk of the Legislature. In 1819 he was elected Judge of the Western Circuit, and remained off and on in that capacity until 1830. He was then elected to two successive terms in Congress, beginning in 1831. Lucian Lamar Knight, Georgia and Georgians, 6 Vols. (Chicago and New York, 1917), VI, 3009-3010.

admitted to the bar.

Three important events occurred at this time which may have exerted a greater influence on Hilliard's public life than did the study of law. First, he became closely associated with Preston; second, he completed his training for the bar under the tutelage of Judge Augustin Clayton, an ultra state rights advocate who disliked Andrew Jackson; third, he joined the Methodist Church.

Preston possessed two characteristics which appealed to his young law student. Not only was he an accomplished orator, but he, like many lawyers of his day, was strongly inclined toward politics.<sup>49</sup> La Borda, who heard him speak on numerous occasions, observed that Preston "is justly entitled to a place in the first rank of speakers, rhetoricians, declaimers or orators. . . . As a popular speaker he was unequalled."<sup>50</sup> But, said La Borda, he "is not a great lawyer, because he has directed a large portion of his life to politics."<sup>51</sup>

Through precept and example, therefore, Preston

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<sup>49</sup> Preston was elected to the South Carolina Legislature in 1828. Preston, Reminiscences of William C. Preston, 134-135.

<sup>50</sup> La Borda, History of South Carolina College, 289-290.

<sup>51</sup> Ibid., 291. It is significant to note that law likewise did not have a strong appeal for Hilliard.

encouraged Hilliard to continue nurturing an interest in eloquence and in government. The student responded to the instructions of his teacher, and consequently a friendship developed which continued until Preston's death. In 1855 Hilliard expressed gratitude to Preston by dedicating to him his volume of Speeches and Addresses.

A grateful recollection of your many acts of kindness extended to me during my course in the South Carolina College, while preparing to enter upon the walks of life which you already adorned, and the cheering encouragement which you gave me when engaged in the study of a profession which your eloquence has so nobly illustrated, inspire the wish to leave some recorded expression of my exalted estimate of your genius and your character.<sup>52</sup>

Nor could Hilliard have said less. It was Preston who had pointed Hilliard's political thought in the direction of conservatism. It was he who had introduced his former student to the leading figures who came to form the Whig Party.<sup>53</sup> Most of all, it was he who had stimulated Hilliard to be concerned about the welfare of the country as a whole, rather than the welfare of a particular section.

While the influence of Preston upon the life and career of Hilliard can be determined with reasonable accuracy, the impact of Clayton--which appears to be

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<sup>52</sup>Hilliard, Speeches and Addresses.

<sup>53</sup>Hilliard, Politics and Pen Pictures, 2-4.

significant--is largely a matter of conjecture. Stephen Miller in his book, The Bench and Bar of Georgia, observed that Clayton "contributed to the press many profound articles on the sources of Federal power, the sovereignty of the States," and "Indian relations."<sup>54</sup> More important, however, he pushed "the doctrine of State sovereignty far ahead of any previous avowals by politicians. . . ."<sup>55</sup> It is not surprising to note, therefore, that he, as a staunch advocate of state rights, vigorously protested the action of President Andrew Jackson in sending federal troops to the Cherokee lands in western Georgia. Thus, it would seem certain that Hilliard, in addition to receiving an excellent law training, was subjected to further indoctrination in the theory of state rights. At the same time the seeds of his ultimate distrust of Jackson may have been planted.

Equally as important to Hilliard during this period was his acceptance of the religious tenets of the Methodist Church. After accepting these sentiments he rigidly adhered to them throughout his public life, and at various intervals he served as an itinerant minister in the church.

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<sup>54</sup>Stephen F. Miller, The Bench and Bar of Georgia (Philadelphia, 1858), 139.

<sup>55</sup>Ibid., 140.

Shortly after his conversion he began to fill the pulpit, as well as practice law, in Georgia.<sup>56</sup> Such was his power in this new type of speaking endeavor, observed William R. Smith, that "audiences from very small assemblies grew suddenly into vast congregations; attracted at first by curiosity, they thronged to listen, and remained spell-bound--receiving delight and imparting renown."<sup>57</sup> Through the pulpit, and, to some degree the bar, therefore, Hilliard earned a reputation as an eloquent orator. So widespread was his reputation that soon he was selected as the first Professor of Literature and Elocution at the University of Alabama.<sup>58</sup>

Not inclined to limit himself to one, or even to two fields of endeavor, Hilliard branched out in still another direction during his stay in Georgia. He tried his hand at editing a newspaper, the Columbus Enquirer.<sup>59</sup> Serving in

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<sup>56</sup> In 1828, the town of Athens, with a population of 583 whites and 517 blacks, had a Methodist Church, a newly organized Presbyterian Church, and a church for negroes. Augustus L. Hull, Annals of Athens, Georgia (Athens, 1906), 97.

<sup>57</sup> William R. Smith, Reminiscences of a Long Life (Washington, 1889), I, 214.

<sup>58</sup> William R. Smith, a student of Hilliard's at the University of Alabama, points out that Hilliard's appointment to this Chair was primarily due to his oratorical reputation. Ibid.

<sup>59</sup> Isaac W. Avery, The History of the State of Georgia, 1850-1881 (New York, 1881), 611.

this capacity for one year, he not only further crystalized his political thinking, but also acquired experiences which he later used to advantage as editor of two Alabama newspapers.

Thus, Hilliard was the recipient of a good formal education in the liberal arts and in law. Moreover, he supplemented his theoretical knowledge by developing proficiency in communication skills. Although he was but twenty-three years of age in 1831, he had gained experience as a debater, special occasional orator, lawyer, preacher, and newspaper editor. Contemporaries were impressed by the ability which he then displayed in these various areas of communication. When he left Columbia in 1823, it was noted that he carried "with him the best wishes and the high expectation of this community."<sup>60</sup> Within two years a Georgia community was able to express a similar sentiment as Hilliard departed for the University of Alabama.

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<sup>60</sup> Undesignated South Carolina paper quoted in American Review, X (December 1849), 611.

### CHAPTER III

#### PERIOD OF DIVIDED PURSUITS: 1832 - 1837

The first six years of Hilliard's extended residence in Alabama may be called the transitional period of his life. For it was then that he completed his training for the ultimate career he hoped to follow. Already competent in numerous areas of study, he had a rich opportunity in 1832 to improve this knowledge and skill by accepting the challenge which the new frontier state offered. So readily did the people of Alabama respond to his versatility and eloquence during the next few years, that Hilliard, at the close of 1837, confidently turned to the field in which he was to achieve lasting fame.

When the University of Alabama opened its doors in April, 1831, it had a faculty of five and a curriculum which included such subjects as mental and moral philosophy, mathematics, natural philosophy, and ancient languages.<sup>1</sup> A few months after instruction began, the Board of Trustees established a professorship of English Literature and Elocution. Hilliard, then a young Methodist preacher and

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<sup>1</sup>Willis Gaylord Clark, History of Education in Alabama (Washington, 1889), 37.

lawyer in Georgia, was appointed to fill the chair.<sup>2</sup> That he was called "to such a dignified position before he was twenty-five years of age," states Jones, "was a proud distinction."<sup>3</sup>

In many respects this frontier university, at the time of Hilliard's appointment, showed a marked resemblance to South Carolina College. Not only were the requirements and the courses of instruction approximately the same, but also the size of the faculty and the student body. The catalogue for the academic year of 1833 reports a total enrollment of ninety-three.<sup>4</sup> Included in that list were many students who later became leading political figures in Alabama.<sup>5</sup>

The two state schools were alike in still another important characteristic. Lack of discipline--a serious problem at South Carolina College in the 1820's--was

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<sup>2</sup>Huntsville Southern Advocate, January 7, 1832, carried the following notice: "At the present Session of the Board of Trustees of the University of Alabama, the Rev. Henry W. Hilliard has been appointed Teacher of English Literature and Elocution."

<sup>3</sup>Alfred D. Jones, American Portrait Gallery (New York, 1855), 613-614.

<sup>4</sup>Catalogue of the Officers and Students of the University of Alabama, January, 1833 (Tuscaloosa, 1833).

<sup>5</sup>Ibid. Some of Hilliard's most notable students were Alexander B. Meek, William A. Elmore, George D. Shortridge, Clement C. Clay, Walter H. Crenshaw, and William R. Smith.

equally prevalent at the University of Alabama in the 1830's. Despite the fact that no student could be admitted to the University of Alabama unless he had "testimonials of good moral character,"<sup>6</sup> the three years of Hilliard's professorship were marked by numerous acts of lawlessness and insubordination. Sara Haynesworth Gayle, wife of ex-Governor John Gayle, recorded the following entry in her diary in July, 1833:

Some of the students signalized themselves by their drunken extravagances. They are mistaken as to the proper mode of securing to themselves fame. At present they limit themselves to the shaving of horses tails, and tying balls dipped in brimstone, and set on fire, to those of the professor's harmless dogs and philosophical geese.<sup>7</sup>

The professors themselves were sometimes the recipients of violent attacks.<sup>8</sup>

Clark, in explaining the students' unruly action, observed:

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<sup>6</sup>Catalogue of the Officers and Students of the University of Alabama, January, 1833.

<sup>7</sup>James B. Sellers, "Student Life at the University of Alabama before 1860," The Alabama Review, II (October, 1949), 284.

<sup>8</sup>In retaliation the school officials in 1832 attempted, without too much success, to maintain discipline on a stricter basis. Sellers observes that "each member of the faculty was assigned a certain number of students' rooms and told to visit each every night and day of the week, except the daytime of Saturday and Sunday. Students who persisted in being absent from the rooms were dismissed." Ibid., 274.

These disturbances of college order seem not to have been due to any neglect of duty by the Faculty, nor to any want of executive ability on the part of the president. The students were largely influenced in their conduct and manners by the environment. The civilization of the State was at the time the civilization of a frontier people. The State had not yet been redeemed from the wilderness. A large part of the eastern and north-eastern region was still in possession of the Creek and Cherokee tribes of Indians. A large part of the white people had not yet learned to submit patiently to the wholesome restraints of the law. It is not strange that the sons of the pioneers were restless under the wise restriction of college government.<sup>9</sup>

How Hilliard reacted to such undisciplined conduct is not known. So noticeably alien was it to his own character, however, that it doubtless affected his interest in teaching.

But, while the student body in general may not have pleased the youthful professor, the nature of his courses was ideally suited to his cultural interests. Had Hilliard tried, he could not have chosen a better teaching schedule--so far as his future career was concerned--than that which he received at Alabama. As professor of Elocution and English Literature, he taught such subjects as grammar, composition, public speaking, the philosophy of language, rhetoric, and literature. Nor were his courses limited to the field of communication; for he also gave instruction in geography, history, and the Constitution

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<sup>9</sup>Clark, History of Education in Alabama, 43.

of the United States.

The work of a freshman, enrolled in one of Hilliard's courses, consisted of

One lesson a day through the year, embracing besides composition once a week and speaking once a fortnight with each of the class. Geography with the use of Globes, History, English Grammar, with the Philosophy of Language and Elocution. Textbooks, Worcester's Geography and Atlas, Worcester's Elements of History with the Chart, Murray's large Grammar and Barber's Elocution.<sup>10</sup>

Assignments for sophomores included "one lesson every day through the year, embracing, besides composition every week and speaking every fortnight with each student, Rhetoric and the Constitution of the United States."

Blair's Lectures on Rhetoric and Belles Lettres and the Federalist were used as textbooks. Members of the junior class studied elocution and literature in conjunction with ancient languages. In this connection, the catalogue set forth the following stipulations:

In the Department of Ancient Languages, one lesson a day through the year, with the exception of one lesson a week, given up to the Department of Elocution and English Literature: --this weekly lesson to consist of an exercise in speaking, accompanied by lectures on Elocution and English Literature.<sup>11</sup>

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<sup>10</sup> Catalogue of the Officers and Students of the University of Alabama, January, 1833.

<sup>11</sup> Ibid.

Hilliard apparently enjoyed teaching these subjects. He worked long hours in preparing his lectures and in evaluating student recitations.<sup>12</sup> Not content to rely on classroom instruction alone, he often invited his pupils to his office and "would voluntarily enter upon some interesting topic connected with the development of the mind."<sup>13</sup> In some instances he extended this invitation to those who were not enrolled in his classes. When Oran M. Roberts failed his entrance examination, Hilliard "volunteered to give him private lessons in Geography, and in some other studies."<sup>14</sup> This friendly gesture made it possible for Roberts to enter the freshman class, notwithstanding the fact that the class had begun three months earlier.

Although Hilliard displayed a strong interest in all the subjects assigned to him, it did not take the

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<sup>12</sup>The teaching schedule, furthermore, was heavy. "Each University class," states Sellers, "had three regular recitations or lectures daily, the first just before breakfast and immediately after morning prayers, the second at about eleven or twelve o'clock, and the third before evening prayers in the afternoon." Sellers, "Student life at the University of Alabama before 1860," loc. cit., 281.

<sup>13</sup>Smith, Reminiscences of a Long Life, I, 215.

<sup>14</sup>Oran M. Roberts, "Reminiscences of the History of the University of Alabama during the Four Sessions that He was a Student in It, from Feb. 1833 to Dec. 1836," Type-script dated March 28, 1892, in Alabama Collection, University of Alabama Library, 1-2.

students long to learn that he was partial to oratory.

Commenting on this point, William R. Smith observed:

He [Hilliard] noted as his special favorites such of the pupils as evinced an ambition to become orators, and never tired in his efforts to impart to them the mysteries of art. Profoundly acquainted with all the phases of the lives of Cicero and Demosthenes, he was ever dilating upon the respective abilities of these two renowned orators, and of the matchless powers by which they made themselves immortal in the history of the ages.<sup>15</sup>

Nor was Hilliard's interest in the field of speech confined to a consideration of oratory. Oral interpretation of the printed page likewise strongly appealed to him. In the opinion of Smith, Hilliard "was a charming reader, and seemed to seek opportunities to show off his excellence."<sup>16</sup> The same writer adds:

I used to find excuses to get into his office in order to hear him read; would carry in a half finished composition for correction, or seek instruction how to emphasize certain passages of a declamation. He always met me with a most gracious smile; and would detain me to listen to him read some favorite passages, generally from Byron.<sup>17</sup>

In view of Hilliard's acknowledged interest and proficiency in public speaking and literature, it is not surprising to note that he was asked to deliver the first

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<sup>15</sup>Smith, Reminiscences of a Long Life, I, 215.

<sup>16</sup>Ibid.

<sup>17</sup>Ibid.

anniversary address of the Erosophic Literary Society on May 26, 1832. The event was a landmark in the history of the society. The setting, the occasion, and the audience presented a challenging scene to Hilliard as he delivered his first special occasional address to the citizens of Alabama. "The procession, composed of the members of the two literary societies, with the Faculty of the University, the Governor, and other honorary members of the Erosophic society," observed a Tuscaloosa newspaper, "made a very handsome display."<sup>18</sup>

The title of Hilliard's address was "The Literary Prospects of Our Country." Obviously such a subject was well adapted to the interests of the audience and to the purpose of the occasion; nevertheless, Hilliard felt that it was desirable to justify the choice of topic in his opening remarks. "No one surveys the physical resources of our country with more gratification than myself," he said. "But I regard the intellectual character of our country as of yet more consequence."<sup>19</sup>

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<sup>18</sup>Tuscaloosa Spirit of the Age, May 30, 1832.

<sup>19</sup>Henry W. Hilliard, An Address Delivered Before the Erosophic Society, at its First Anniversary, May 26, 1832 (Tuscaloosa, 1832). Hereafter cited as Address before the Erosophic Society.

Having emphasized the importance of his subject, Hilliard proceeded to examine the various influences which control the literature of any country. Time permitted him to analyze but three of the leading forces: a country's political system, its physical location, and the faith of its people. Against these influences Hilliard sought to measure America's prospects for literary attainments.

First in importance in the development of literature, observed Hilliard, is a country's political thought and practice. "The history of mankind," he said, "would go far toward establishing the assertion that unless it [a country] be free, it can have no literature worth the name." Consider the examples of Greece, Rome, Great Britain, and France. The leading figures of Greece's golden age of literature--Plato, Aristotle, Thucydides, Sophocles, and Demosthenes--performed against a background of political freedom. Had these giants of literature not been free, contended Hilliard, they could not have been great. The power of the eloquent Demosthenes, for instance, began to diminish when the lights of freedom went out. Similarly, Cicero reached the zenith of his career during the days of the Roman Republic. His powers, like those of Demosthenes, began to falter when totalitarian leaders gained control. So, too, with the writers and speakers of Great Britain and France. Only a free society, concluded

Hilliard, could have produced a Milton, a Shakespeare, a Burke, a Sheridan, and a Brougham.

With the first criterion for literary and oratorical effectiveness established, Hilliard sought to apply this rule to conditions in America. Since no country possesses a greater degree of democratic freedom, he argued, America could look with optimism toward the future. "You are yet amongst a people," he told his hearers, "who hold it their first duty to worship God, their very next --TO EDUCATE THEIR SONS." To illustrate his point further, he traced the progress of Alabama in the following vein:

Indeed, what a beautiful illustration does our own State present of the excellence of that system under which we live! Over its fertile lands there is spread out already, an intelligent, noble and rapidly increasing population. It seems as if but yesterday, this spot was a wilderness; the forest of centuries waved over it; the only contrast to its unbroken gloom and stillness was the glare of the council fire, and the wild song of the Indian. Today, how different a scene! Beauty and art, and elegance and taste--and fashion. Here is a LITERARY INSTITUTION! Though in its very infancy, the doors of science are even now thrown open, and every facility furnished for cultivating literature.

The second major influence on literature, observed Hilliard, is the nature of the people's faith, for through it writers pursue the "noblest objects." Drawing a parallel between the ancients and the English and Americans, Hilliard showed that the latter, as Christians, have far more faith, and, in turn, more inspiration. "The

magnificent vision which broke from the soul of Milton could by no possibility have entered into their [the ancients] minds. Their gods were too much like mortals; they could not inspire the soul." In worshipping the true God, the Christian author, Hilliard then pointed out, is free from all superstition, and is thus able to contemplate the beauties of holiness and the purity of heaven.

A third factor conducive to the creation of good literature in America, continued Hilliard, is her physical location. Since a vast ocean separates the United States from the rest of the world, Americans are not affected by the frequent agitations which occur in Europe and in Asia. "If the political atmosphere in Europe is poisoned," he said, "it dies before it reaches our soil." Similarly, if "the faith of other lands degenerate into falsehood and crime; their victories close with their own shores; they cannot overleap the mighty barrier which the God of nature hath thrown between us." Admittedly, America would in a sense be isolated, added Hilliard; but this would not retard the literary growth for

The richest store houses of the world are open to us; we cannot forget from what land we have sprung. The same language in which Locke has written; which has clothed the thoughts of Hume and Bolingbroke; which the genius of Milton and Shakespeare and Byron selected, to find an entrance into the heart; which the dreams of Fielding and Scott and Bulwer have employed; which burst all eloquent

from the lips of Sheridan and Burke, and Brougham--is ours.

Moreover, the land is endowed with physical splendor which cannot help but inspire the least discerning soul. Rich in mountains, forests, plains, and streams, America, concluded Hilliard, enables the student of nature to embrace the sublime.

That Hilliard's address on this occasion was the result of his years of conditioning cannot be doubted. His basic ideas and the materials used to develop them stemmed from ancient and modern history, literature, and oratory, and the Christian religion. Apparently the audience was impressed with this type of discourse. The Spirit of the Age pointed out that "We were much pleased with its sentiments, with the style in which they were expressed and with the elegant historical and literary illustrations with which they were accompanied."<sup>20</sup> On the 29th of May, three days after the delivery of the address, a committee appointed by the Erosophic Society wrote Hilliard the following note:

We . . . express to you the undivided attention with which they [the members of the Erosophic Society] listened to, and the gratification they received from the eloquent address delivered by you on Saturday last, and to solicit a copy of the same

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<sup>20</sup> Tuscaloosa Spirit of the Age, May 30, 1832.

for publication.<sup>21</sup>

Hilliard complied with their request to have the speech published, but expressed regret that he had "not found leisure to do the subject anything like justice."<sup>22</sup>

Hilliard's reputation as a speaker increased steadily during the next few months. On December 7, 1832, he delivered his second special occasional address to the people of Alabama. Charles Carroll of Carrollton, the last of the fifty-six signers of the Declaration of Independence, had died at the age of ninety-five. To honor Carroll's memory the legislature of Alabama called a special meeting which the citizens of Tuscaloosa were invited to attend. Hilliard was asked to present the eulogy. For him "to be called upon by a Committee of the Legislature, at twenty-four, to perform such a conspicuous part in a solemn public ceremony," observes Garrett, "was at least evidence of ability and improvement in the morning of life rarely witnessed."<sup>23</sup> Gurn regarded

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<sup>21</sup>John A. Nooe, P. Buchanan, and R. B. McMullen to Henry W. Hilliard, Tuscaloosa, May 28, 1832, Hilliard, Address before the Erosophic Society.

<sup>22</sup>Henry W. Hilliard to John A. Nooe, P. Buchanan; and R. B. McMullen, Tuscaloosa, May 29, 1832, ibid.

<sup>23</sup>William Garrett, Reminiscences of Public Men in Alabama (Atlanta, 1872), 95.

Hilliard as the spokesman for those youth of America who had learned to venerate the name of Carroll.<sup>24</sup>

Hilliard began on a solemn note. "We have lost a common father," he said, "and, as children of the republic, we have come together to do honor to his memory." He then called upon "the noble of the earth, the friends of man, the lovers of civil liberty throughout the world, to sympathize with us in the scenes of this day."<sup>25</sup>

Following this sober, but challenging introduction, Hilliard combined the chronological and selective methods of organization to develop his theme. Beginning with Carroll's birth in 1737, he amplified in a time sequence order the leading scenes which marked Carroll's life. His education in Europe, his opposition to the oppressive Stamp Act measure, and his vigorous efforts to persuade the Maryland delegates to sign the Declaration of Independence were carefully analyzed. In speaking of the Declaration Hilliard pointed out:

It is said, when Mr. Hancock asked Mr. Carroll if he would sign, he replied, "Most willingly." As he approached the desk of the secretary and affixed

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<sup>24</sup>Joseph Gurn, Charles Carroll of Carrollton, 1737-1832 (New York, 1932), 290.

<sup>25</sup>"Charles Carroll of Carrollton," Hilliard, Speeches and Addresses, 384.

his name to the Declaration, some one in the lobby, apprehensive of an unfortunate termination of the contest, and anticipating the confiscation of property which must follow, exclaimed, "There goes half a million at the dash of a pen!" But no: "there's a Divinity which shapes our ends." True, he risked much--more, perhaps, than any other man--but he lost nothing.

Hilliard's eulogy--as might be expected--went beyond the life and accomplishments of Carroll. Since Carroll was, in reality, a symbol of the noble efforts of all of the founding fathers, Hilliard was led to declare:

We are here on this day to bid a last farewell to the signers of the Declaration of Independence. Henceforth they are not associated with the scenes of earth; their deeds have passed into history; they belong to a brighter world. Farewell illustrious men. You can never pass from our hearts.

Let us cherish their memory. When a truly great man falls, the nation should honor him; they should hang their garlands about his urn; all that can be done to make his fame enduring should be done freely. The memory of such men constitutes the moral property of the nation, and when her fleets and armies are scattered and torn--when her cities are leveled with dust--when all her other monuments are crumbling beneath the march of Time, then the memory of her great and good will stand unmoved amid the wrecks around, telling to all generations the story of her greatness, and encouraging man throughout all time to good deeds.

This was not a speech of one inclined toward sectionalism. It was, from the beginning to the end, national in character; as such, it augured well for the type of rhetoric which Hilliard was to employ in subsequent years. The sentiments which he expressed on this occasion and the style in which they were clothed pleased the

audience. The legislature asked for a copy of the address for publication. In his letter of consent Hilliard commented on the amount of time he had for preparing the speech.

It is gratifying to learn that the address delivered on the 7th instant was satisfactory to the honorable body at whose request it was prepared. The few days given me to prepare for the occasion were so occupied with other pursuits, that I am conscious it has many imperfections. Under ordinary circumstances, I should not consent to its publication; but regarding it as an humble tribute to one dear to us all, I cheerfully, comply with the request so politely expressed by yourself, as Chairman of the Committee.<sup>26</sup>

In spite of the short notice Hilliard "acquitted himself with merit," said Riley, "and at once established his fame for scholarship and oratory in Alabama."<sup>27</sup> Following its publication the address was "popularly read."<sup>28</sup>

The reception to Hilliard's teaching and speechmaking while he was at the University of Alabama is good evidence that he enjoyed considerable success. Displaying "unusual aptitude for teaching,"<sup>29</sup> he lifted "young manhood

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<sup>26</sup>Henry W. Hilliard to P. Walter Scott, Tuscaloosa, December 16, 1832, in Garrett, Reminiscences of Public Men in Alabama, 91.

<sup>27</sup>Benjamin F. Riley, Makers and Romance of Alabama History (n.l., 1915), 204.

<sup>28</sup>Ibid.

<sup>29</sup>Atlanta Constitution, December 18, 1892.

into the delights of English literature. . . ."<sup>30</sup> In the opinion of McCorvey, Hilliard was "the most brilliant of Professor Tutwilder's colleagues in the first faculty of the University of Alabama. . . ."<sup>31</sup> Similarly, Hilliard impressed vast audiences with his ability as a special occasional orator. Moreover, he was "quite a favorite in the best circles of Tuscaloosa society because of his rare social qualities."<sup>32</sup> Notwithstanding these successes, however, Hilliard turned his face southward to the heart of the Black Belt--Montgomery, Alabama. Perhaps he was too restless, or perhaps too ambitious to pursue a teaching career.<sup>33</sup> At any rate, he put away his academic garb and once again renewed his practice of the law and the ministry.<sup>34</sup>

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<sup>30</sup>Joel C. DuBose, "The Ideal University," Transactions of Alabama Historical Society, 1899-1903, (Montgomery, 1904), IV, 269.

<sup>31</sup>Thomas C. McCorvey, "Henry Tutwilder and the Influence of the University of Virginia on Education in Alabama," Ibid., V, 97-98.

<sup>32</sup>Riley, Makers and Romance of Alabama Literature, 204.

<sup>33</sup>One writer has observed that "The quiet shades of academic life had no special charm for Mr. Hilliard, and he resigned his professorship to enter the more exciting arena of law and politics." McCorvey, "Henry Tutwilder and the Influence of the University of Virginia on Education in Alabama," loc. cit., 98.

<sup>34</sup>Significantly enough, Hilliard makes no reference to his teaching career in his book, Politics and Pen Pictures.

Little information is available with respect to Hilliard's law practice in Montgomery in the latter part of 1834 and in the early months of 1835. About all that is recorded is that he shared an office with Joseph J. Hutchinson in "a one story unpretentious wooden building, with gable end to the street."<sup>35</sup>

After a few months of practice he decided to enter the full-time ministry, and was ordained as a preacher in 1835.<sup>36</sup> Appointed as the sixth pastor of the Montgomery Methodist Church, Hilliard preached the dedicatory sermon of the church's new building on March 1, 1835. Blue gives the following description of the building and the dedicatory sermon:

The new edifice was a framed building sixty feet long and forty-five feet broad, with a gallery at one end and on two sides, within. This gallery was usually occupied by the colored people when the services were for the whites. The church was dedicated on Sunday, March 1st, 1835, the Rev. Henry W. Hilliard, preacher in charge, preaching the dedicatory sermon. On that occasion the house was crowded to its upmost capacity, and the sermon was one of the ablest, most eloquent and appropriate ever delivered by that

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<sup>35</sup>Robert Lee Allen, "Henry W. Hilliard: Statesman, Scholar, Politician, Author, Lawyer, Minister, Soldier." Unpublished Manuscript, Hilliard Family Folder, Alabama State Department of Archives and History, Montgomery, Alabama. Hereafter cited as Allen, "Henry W. Hilliard."

<sup>36</sup>Minutes of the Annual Conferences of the Methodist Episcopal Church, 1829-1839 (New York, 1840), II, 305.

distinguished divine.<sup>37</sup>

Hilliard's effectiveness as a preacher was discussed freely during the next few weeks. By April his reputation was such that Harriet Martineau, versatile English writer, visiting Montgomery, "went to the Methodist Church, hoping to hear the regular pastor [Hilliard], who is a highly esteemed preacher."<sup>38</sup> Much to her regret, she added, "a stranger was in the pulpit, who gave us an extraordinary piece of doctrine, propounded with all possible vehemence."<sup>39</sup> To add to her discomfiture "the place was intensely light and hot, there being no blinds to the windows, on each side of the pulpit: and the quietness of the children was not to be boasted of."<sup>40</sup>

Whether or not these physical factors dampened Hilliard's enthusiasm for the ministry at this time, it is impossible to say. At any rate, at the end of a year he gave up his pastorate and returned to his law profession.<sup>41</sup>

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<sup>37</sup> Mathew P. Blue, Churches of the City of Montgomery, Ala., Embracing their Early Organization Progress and Present Condition (Montgomery, 1878), 14.

<sup>38</sup> Harriet Martineau, Society in America, 3 Vols. (London, 1837) I, 296.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> It has been noted that Hilliard "rose rapidly as a pleader, and soon established his reputation as a sound and discriminating counsellor." Jones, American Portrait Gallery, 614.

Although Hilliard did not serve again as a full-time pastor until the latter part of the Civil War, he remained loyal to his church, and often filled the pulpit with considerable effect. In 1839, for example, one of the "most remarkable religious revivals in Montgomery" occurred in the Methodist Episcopal Church, with Hilliard as one of the preachers in charge.<sup>42</sup> Even while serving as a Congressman Hilliard returned home in the autumn and often occupied the pulpit in the local Baptist, Methodist, and Presbyterian Churches. Blue records in his diary notations on at least ten sermons which he heard Hilliard preach in the late months of 1847. The entry for November 7 states that "Bro. Hilliard preached one of his best Sermons on John 4 chap. 13-14 verses."<sup>43</sup> Two weeks later Blue recorded that "Bro. Hilliard outdid himself today."<sup>44</sup> Using as a pragmatic test the size of the crowds, we may also conclude that Hilliard was effective; for whenever he preached he "attracted overflowing congregations."<sup>45</sup>

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<sup>42</sup>Blue Papers, Alabama State Department of Archives and History, Montgomery.

<sup>43</sup>Diary of Mathew P. Blue, ibid.

<sup>44</sup>Ibid.

<sup>45</sup>Du Bose, The Life and Times of William L. Yancey, I, 187.

To some extent Hilliard's activities, as a preacher played a part in his political career. His opponents in Alabama sarcastically referred to him as "the Right Reverend Mr. Hilliard" and as the "smiling Parson." Moreover, when he defended the extension of slavery in Congress, Mr. Stanley of North Carolina wanted to know how a Methodist minister could conscientiously uphold a doctrine which deprived the negro of equal rights.

At the close of 1837 Hilliard, having obtained success as a teacher, lawyer, and preacher, turned to the field of politics where he was to make his most significant contributions to society.<sup>46</sup> His early years in Alabama had been marked by vacillation in choosing a life's profession. But this period of divided pursuits was not without value. At the University of Alabama, Hilliard extended his knowledge of history, literature, rhetoric, and political science. Of particular significance is the fact that he taught as one of his subjects, the Constitution of the United States, using as his textbook the Federalist. As will be noted later, almost every speech that he delivered during the slavery crisis was based upon

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<sup>46</sup>In his Politics and Pen Pictures, Hilliard says almost nothing of his career as a teacher, preacher, or lawyer. He begins with a discussion of the Whig National Convention in 1839.

the Constitution. Furthermore, he had gained a state-wide reputation as an effective special occasional orator, preacher, and lawyer. With this background it did not take Hilliard long to become one of the leading political figures of the State.

## CHAPTER IV

### THE ALABAMA AUDIENCE: 1840 - 1860

The people of Alabama who assembled on the hustings, in state conventions, and on special occasions to hear Hilliard's eloquent appeals were not inert members of a mass. They were dynamic individuals motivated not only by their personal needs, aspirations, and desires, but by those of the group to which they belonged. In order to understand fully what was in the minds of these listeners from 1840 through 1860, it is necessary to comprehend the nature of the forces which moulded their thought.

The first significant influence which affected the beliefs, attitudes, and emotional character of the Alabama audience was the size and heritage of the population. Alabama in 1840 had an aggregate population of a little less than 600,000. Of this number about forty-three percent were slaves.<sup>1</sup> By 1860 there were approximately one million inhabitants, forty-five percent of whom were slaves.<sup>2</sup>

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<sup>1</sup>Sixth Census of the United States, 1840 (Washington, 1841).

<sup>2</sup>Eighth Census of the United States, 1860 (Washington, 1864).

Charts show that the population was greatest in the Black Belt region.<sup>3</sup> This heavy concentration was due primarily to the number of negroes, for there was a surprising degree of equality of distribution among the whites throughout the State.

Two of the eleven counties included in the Black Belt were a part of the Second Congressional District<sup>4</sup> which Hilliard represented for six years. Although the District was partially comprised of cow counties, it had in 1850 a total population of 141,000, including 65,000 slaves and 76,000 whites. Nearly half of the slaves resided in the two strategic Black Belt counties - Montgomery and Macon.<sup>5</sup>

Census reports show that Alabama, for the most part,

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<sup>3</sup>Boyd uses the term Black Belt "to denote the eleven counties which in 1859 paid two-thirds of the state's taxes; namely, Macon, Montgomery, Lowndes, Autauga, Dallas, Wilcox, Perry, Greene, Sumter, Marengo, and Pickens. The term can be applied with equal truth to the soil, the inhabitants, or that part of the map where the greatest population density is indicated. If soil is meant, the belt is limited to parts of Macon, Montgomery, Lowndes, Dallas, Marengo, Sumter, Pickens and Greene Counties." Minnie Clare Boyd, Alabama in the Fifties (New York, 1931), 12.

<sup>4</sup>The nine counties which constituted the Second Congressional District until 1854 were Barbour, Coffee, Covington, Dale, Henry, Macon, Montgomery, Pike, and Russell.

<sup>5</sup>Seventh Census of the United States, 1850 (Washington, 1853).

was a receiving state prior to 1860; that is, more people entered the state than emigrated from it. Only one-third of the entire population in 1860 could claim Alabama as their birth place. Most of the remaining two-thirds had migrated from other Southern states, although some came from the North and from foreign countries.<sup>6</sup> The state of Georgia led the way as the chief source of Alabama's population. More than 83,000 people had come from this neighboring state. Many of them had purchased cotton lands directly from the United States Government in the land sales at Milledgeville, Georgia, in 1817. It was in this way, for example, that the town of Montgomery was settled.<sup>7</sup>

Next in importance as sources for immigration to Alabama were South Carolina, North Carolina, and Tennessee. South Carolina contributed 45,185 inhabitants, while North Carolina and Tennessee provided 23,504 and 19,139 respectively. The North, too, had some representation in this Black Belt region. Seven-hundred and fifty-three citizens had migrated from Massachusetts, 989 from

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<sup>6</sup> Eighth Census of the United States, 1860.

<sup>7</sup> Journal of the Receiver's Office at Milledgeville, Ga., cited in Clanton W. Williams, "Early Ante-Bellum Montgomery: A Black-belt Constituency," Journal of Southern History, VII (November, 1951), 499. Hereafter cited as "Early Ante-bellum Montgomery."

Pennsylvania, and 1,848 from New York. Statistics further show that a little more than 12,000 of Alabama's population in 1860 had come from European countries. Of that number, almost one-half were from Ireland, and more than one-fifth from Germany. Lesser numbers had emigrated from England, France, and Scotland.

Why had such large numbers of people coming from diverse geographical areas settled in Alabama? The answer to this question seems to lie in the fertility of the soil. Lacking knowledge of crop rotation, cotton planters in the southeastern states soon dissipated their soil. As a result, they welcomed the chance to buy rich cotton lands in the Black Belt region. Blessed with such prolific soil, Alabama became essentially an agricultural economy. The Census reports of 1860 give the following occupational statistics: planters and farmers, 67,743; farm laborers, 14,282; overseers, 4,141; merchants, 2,638; mechanics, 1,797; factory hands, 783.<sup>8</sup>

But it is not enough to say that the workers of Alabama were engaged in agriculture. Such a statement might imply that Alabama produced diversified crops. It would be far more accurate to say that these workers were engaged in the production of cotton. Extreme devotion to

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<sup>8</sup>Eighth Census of the United States, 1860.

"King Cotton" could be seen on small farms as well as on large plantations. As Brown has pointed out:

Even those Alabama farmers who owned but one or two slaves, or no slaves at all,<sup>9</sup> were nevertheless devoted in their loyalty to King Cotton. They seldom grew more corn and potatoes, or any other of the many food products for which their land was fit, or bred more cattle and swine, than they required for their own use; frequently, they did not raise enough food for their own use. The supreme attractiveness of cotton was due to the readiness with which it could be turned into money, the simplicity of the methods by which it was grown, and the comparative ease with which it could be marketed, even in a country of bad roads, which had as yet [by 1850] less than two hundred miles of railroads.<sup>10</sup>

Although the small farmers were in the majority, the great bulk of the cotton was produced on the large plantations. These plantations flourished in the Black Belt region. Typical of these great cotton producing centers was Montgomery County, the home of Hilliard and William L. Yancey. As early as 1840 a railroad company had a train hauling cotton to the city of Montgomery over thirty-three and one-half miles of track.<sup>11</sup> By 1842 and 1843 farmers sold more than 50,000 bales in Montgomery.<sup>12</sup>

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<sup>9</sup>"Three fourths of all the slaves in Alabama in 1850 were owned by less than two thousand men." William Garrett Brown, The Lower South in American History (New York, 1902), 34.

<sup>10</sup>Ibid., 36.

<sup>11</sup>Montgomery Alabama Journal, November 4, 1840.

<sup>12</sup>"Commercial Records," in Montgomery Alabama Journal, January 11, 1843, in Blue Papers.

So prolific was this area by 1846 that, according to Du Bose, it produced "one million dollars more in agricultural commodities than Butler, Ohio, of corresponding area and population and the chief corn growing county of all the upper Mississippi Valley."<sup>13</sup> Progress continued during the next fifteen years; in 1860 Montgomery County's 58,800 bales of cotton was second in Alabama only to that of Marengo County.<sup>14</sup>

The extent of this prosperity and the effect which it had upon the people of central Alabama is aptly summarized by Governor Gilmer of Georgia who visited Montgomery in 1833.

I found the fertile lands of Montgomery settled up with active, intelligent, wealthy citizens, who had been drawn to it from the old States by the great advantages which it afforded to those who desired to increase their riches. The rapid accumulation of wealth whetted the appetite for getting money, until the people could not be satisfied with any quantity acquired. It was a subject of wondering cogitation to me, who had for many years been constantly taken up with the affairs of government, and the strife of party politics, to listen to my Montgomery friends, talking without ceasing of cotton, negroes, land and money.<sup>15</sup>

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<sup>13</sup>Du Bose, The Life and Times of William L. Yancey, I, 185.

<sup>14</sup>Eighth Census of the United States, 1860. Montgomery County, in addition, ranked first in livestock assets.

<sup>15</sup>George Petrie, "Montgomery: The Cradle of the Confederacy," in Historic Towns of the Southern States, Lyman P. Powell, ed. (New York, 1900), 392.

Church affiliation, as well as agriculture, exerted considerable influence on the Alabama audience. From the beginning the people were predominantly Methodist and Baptist. Out of a total of 1875 Alabama churches in 1860 the Methodists and Baptists each had more than forty percent. Similarly, their combined membership of 450,000 represented more than eighty percent of the entire church membership in the State.<sup>16</sup> The Presbyterians and Episcopilians were well established, but their appeal was limited. Catholic and Jewish churches were almost nonexistent.<sup>17</sup>

As members of the Methodist and Baptist churches, the Alabama audience, it is significant to note, had developed a defense of slavery on moral grounds. This defensive philosophy goes far to explain the reasons why the spiritual cord which helped bind the Union snapped in the 1840's, and why the people of Alabama were united in their attitude toward the moral aspects of slavery. To understand this feeling it is important to know its

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<sup>16</sup> Eighth Census of the United States, 1860, "Miscellaneous Statistics," 352-354.

<sup>17</sup> Ibid. Although the Presbyterians had 202 churches they had a membership of only 21,534. The Episcopilians had 34 churches with a total membership of 13,840. The nine catholic churches and the two Jewish Synagogues had 8,000 and 950 members respectively.

evolution as seen in the pronouncements of the church leaders.

From the organization of these churches in the latter part of the eighteenth century until 1830, the Methodists and Baptists held essentially the same views with respect to slavery. In the early stages of their development both the Northern and Southern segments of the churches were generally agreed that slavery was an indisputable evil. The various general conferences passed legislation limiting the traffic in Negroes. As time went on, however, a change could be detected in the attitude of the church leaders.<sup>18</sup>

When the North opposed the admission of Missouri into the Union as a slave state, the evolutionary change which was gradually taking place in the South gained momentum. Methodist and Baptist church leaders who had formerly denounced slavery now began to defend it. Thus, as the first phase of slavery agitation ended in 1830 Southern church leaders were becoming unified in advancing the rights of the white members.<sup>19</sup>

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<sup>18</sup> See James M. Buckley, A History of Methodists in the United States (New York, 1907); Walter B. Posey, "Baptist Church in the Lower Southwest," Journal of Southern History, X (May, 1944), 161-173; Id., "The Advance of Methodism in the Old South," Ibid., II (November, 1936), 439-452; Robert G. Torbet, A Social History of the Philadelphia Baptist Association, 1707-1940 (Philadelphia, 1944).

<sup>19</sup> Edward Channing, A History of the United States, 6 vols. (New York, 1907), V, 7.

A second important cause which accelerated the change in the churches' attitude toward slavery was the rise of the abolitionist movement in New England. In 1833 the American Anti-Slavery Society was organized.<sup>20</sup> At the very moment, therefore, that slavery was becoming economically important to the South,<sup>21</sup> a new and aggressive anti-slavery movement began in the North. Using the religious organizations as a rostrum for the promulgation of their ideas, the abolitionists soon precipitated a church conflict of utmost significance.<sup>22</sup>

One of the effects of the abolitionist crusade was to solidify public opinion in the South. Immediately the Southern church leaders set out to disprove the abolitionist charge that slavery per se was wrong.<sup>23</sup> Searching for the most convincing arguments to support their institution, they turned to the Holy Scriptures. As early as 1826 Dr. Thomas Cooper, President of South Carolina College, pointed out that the Bible did not forbid the practice of slavery.<sup>24</sup>

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<sup>20</sup> William W. Sweet, The Story of Religion in America (New York, 1939), 425.

<sup>21</sup> Francis B. Simkins, The South Old and New (New York, 1949), 38.

<sup>22</sup> Charles S. Sydnor, The Development of Southern Sectionalism, 1819-1848 (Baton Rouge, 1948), 297.

<sup>23</sup> Arthur Y. Lloyd, The Slavery Controversy, 1831-1860 (Chapel Hill, 1939), 164.

<sup>24</sup> Ibid.

In 1833 the well known Baptist leader, Dr. James Furman, observed that "the right of holding slaves is clearly established in the Holy Scriptures both by precept and example."<sup>25</sup> Furthermore, the clergy at Richmond, Virginia, passed resolutions condemning interference of the people of one state with the domestic problems of another. They then added that since Christ and his apostles did not interfere with slavery, ministers of the gospel should follow their example.<sup>26</sup>

Moreover, church leaders held that slavery was a positive good. They conceived of the "peculiar institution" as a form of tutelage, the function of which was to teach slaves the principles of Christianity. Through this instruction the slave would be prepared for an eventual state of equality in heaven. Bishop Elliott of Georgia was one of the strong proponents of this view.<sup>27</sup> Finally, the church leaders held that slavery was divinely ordained for the purpose of converting and civilizing the slave.<sup>28</sup> Adhering to this philosophy the

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<sup>25</sup>Sweet, The Story of Religion in America, 427.

<sup>26</sup>Ibid.

<sup>27</sup>William S. Jenkins, ProSlavery Thought in the Old South (Chapel Hill, 1935), 217.

<sup>28</sup>Ibid., 218.

churches of Alabama, regarded the Negroes as their responsibility. "Usually they belonged to the same church," observes Boyd, "and in many places, especially in the Methodist and Baptist churches of the Black Belt, outnumbered the whites."<sup>29</sup>

While Southern church leaders went to the Scriptures for a defense of their economic institutions, their Northern brothers observed that the tenor and spirit of the Bible was opposed to slavery and that the moral precepts of the Sermon on the Mount would gradually destroy this type of social relationship.<sup>30</sup> Holding such a conviction, Northern preachers and laymen of the Baptist and Methodist churches urged their general councils to take a stand against slavery. Persistence in carrying out this policy led to the schisms of the Methodist and Baptist churches, and severed the Presbyterian Church.<sup>31</sup> The

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<sup>29</sup>Boyd, Alabama in the Fifties: A Social Study, 167.

<sup>30</sup>Jenkins, Pro-Slavery Thought in the Old South, 220.

<sup>31</sup>The delegates to the General Conference of the Methodist Episcopal Church, meeting in New York in May and June of 1844, voted to divide the national church into two ecclesiastical bodies: the Methodist Episcopal Church and the Methodist Episcopal Church South. See Sweet, The Story of Religion in America, 438. Similar action was taken by the Baptist Church in May, 1845. Ibid., 431. Slavery likewise was an important factor in the schism of the Presbyterian Church in 1838. Bruce C. Staiger, "Abolitionism and the Presbyterian Schism," Mississippi Historical Review, XXXVI (December, 1949), 391-414.

Episcopalians were the only major protestant group which maintained a harmonious national organization during the ante-bellum period.

When we leave the realm of economics and religion and turn to education and culture, it becomes somewhat more difficult to analyze the Alabama audience. This is due largely to the fact that the educational and aesthetic level of the state during the ante-bellum period presents a chequered picture. Viewed on a statewide basis, Alabama, like most of the other Southern states, lagged far behind comparable areas in the North. But some sections - especially the Montgomery district - maintained a high degree of culture.

Perhaps Alabama's chief cultural deficiency was the lack of free public schools. Prior to 1854 there were no organized public schools. During that period, however, there were about one thousand schools which, supported by gifts from the general government, provided rudimentary training for less than thirty thousand children.<sup>32</sup> Although the legislature adopted the free school system in 1854, the Superintendent of Education in Alabama reported on the eve of the Civil War that "nearly one-half of the

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<sup>32</sup>Brown, The Lower South in American History, 42.

children of the state were not attending any school and were growing up in ignorance.<sup>33</sup>

In spite of the fact that illiteracy existed throughout the state as a whole, the education and culture of the citizens of the Montgomery District has been repeatedly noted both by contemporaries and by present-day scholars. Du Bois remarked that "the educated men who listened to Yancey and Hilliard were classical scholars, who revered the American Government created from history."<sup>34</sup> Moreover, a surprisingly large number of them were trained in law and in medicine. In 1845, observes Williams, 7.2 percent of the adult white males in Montgomery were practicing lawyers.<sup>35</sup> At the same time there were twice as many physicians, many of whom "were graduates of Jefferson Medical College in Philadelphia."<sup>36</sup> Significantly enough, a large percentage of these lawyers and

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<sup>33</sup>Clement Eaton, A History of the Old South (New York, 1949), 476.

<sup>34</sup>Du Bois, The Life and Times of William L. Yancey, I, 136, Hilliard described Montgomery as it appeared to him in 1844 in the following terms: "This beautiful city seated on the banks of the most fertile lands; where planters of ample means and high culture lived with elegant and profuse hospitality, was one of the most cultivated and delightful places in the South." Hilliard, Politics and Pen Pictures, 118. Hodgson gives a similar description in his Cradle of the Confederacy, 260.

<sup>35</sup>Williams, "Early Ante-bellum Montgomery," 516.

<sup>36</sup>Ibid.

doctors were also planters."<sup>37</sup>

The influence of these squires and professional men enabled Montgomery to be relatively free from the raucous elements which usually characterized the American frontier town. "There were but four murders during the entire period from 1830 to 1846, and not a case on record of death from dueling."<sup>38</sup>

In their spare time the planters of the Black Belt region read books imported from England as well as weekly religious and political periodicals and newspapers published in the state.<sup>39</sup> What they liked to do most, however, was to listen to oratory. Brown has suggested that

It is doubtful if there ever has been a society in which the orator counted for more than he did in the Cotton Kingdom. . . . But he [the orator of the Lower South] did not need the device of the lyceum to get an audience. Its place was amply filled by the law courts, the political meetings and conventions, the camp-meetings, and the barbecues. For, from the nature of their chief industry, the people were unemployed during certain seasons; and they were all familiar with the uses of horse flesh. Time was often heavy on their hands, and everybody rode and drove. . . . The courthouse marking the county seat, might have no other neighbors than a general store and a wretched inn; but when some famous lawyer rose to defend a

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid., 511.

<sup>39</sup> Brown, The Lower South in American History, 43.

notorious criminal, hundreds, even thousands, followed with flashing or tearful eyes the dramatic action which surely accompanied his appeal. An important convention was not without a gallery because it was held in a town of few inhabitants and the meanest hotel accommodations.<sup>40</sup>

Since the law courts and the religious and political gatherings were "the true universities of the lower South," continued Brown,

The man who wished to lead or to teach must be able to speak. He could not touch the artistic sense of the people with pictures or statues or verses or plays; he must charm them with voice and gesture. There could be no hiding of the personality, no burying of the man in his art of his mission. . . . How such a great man mounted the rostrum, with what demeanor he endured an interruption, with what gesture he silenced a murmur, -- such things were remembered and talked about when his reasoning was perhaps forgotten.<sup>41</sup>

Besides being a native American of Southern heritage, a farmer or planter devoted to King Cotton, a member of the Methodist or Baptist Church, who saw no moral wrong in slavery, and a man of culture who enjoyed eloquence, Hilliard's typical listener in Alabama was an enfranchised citizen. From its beginning the state had been one of the most democratic in the South.<sup>42</sup> At the time of Hilliard's entrance into politics in 1838, the government of Alabama

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<sup>40</sup> Ibid., 126-127.

<sup>41</sup> Ibid., 127-128.

<sup>42</sup> Sydnor, The Development of Southern Sectionalism, 283.

had put into practice the following principles: the popular election of the governor, universal manhood sufferage and legislative apportionment in both houses based on white population. County governments throughout the state were likewise democratic.<sup>43</sup>

To conduct the affairs of government the voters in the 1830's and 1840's elected either Whigs or Democrats to public office. During this period Alabama had a vigorous two-party system in spite of the fact that the Whigs were in the minority throughout most of the state. As in other areas of the South, the squires almost unanimously joined the Whig cause.<sup>44</sup> The small farmer, on the other hand, was usually associated with the Democratic party. However, both parties came to consist of men ranging all the way from conservatives to radicals, unionists to secessionists, and "submissionists" to fire-eaters. Of course, the large majority of each party prior to 1850 took a middle road.<sup>45</sup>

Following the introduction of the Wilmot Proviso

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<sup>43</sup> Ibid., 284.

<sup>44</sup> Ulrich B. Phillips, "The Southern Whigs, 1834-1854," in Turner Essays in American History (New York, 1910), 215.

<sup>45</sup> Ibid., 217.

in Congress, the political situation in Alabama and throughout the South changed radically. As Phillips has pointed out:

The southern leaders in both parties were now brought squarely to confront the double quandary which troubled nearly all southern party men from time to time between 1844 and 1860-- the quandary whether southern interests and rights could by any means be permanently maintained within the Union, and if so whether the most feasible way of establishing that security would be by organizing a southern phalanx regardless of old party ties or by maintaining the existing regime of two parties, preaching magnanimity, and diverting popular attention from sectional issues.<sup>46</sup>

Troubled by this quandary, leaders of Alabama during the 1850's organized one party after another. In 1851 the Whigs and Democrats temporarily gave way to the Unionists and Southern Rights men respectively. The congressional campaign of 1854 and the presidential contest of 1856 were fought between Americans or Know-Nothings on the one hand and the Democrats and Anti-Know-Nothings on the other. Likewise, the Douglas Democrats, the Breckinridge Democrats, and the Constitutional Unionists all vied for political control in the contest of 1860.<sup>47</sup> During this period of vacillation Hilliard joined several political

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<sup>46</sup> Ibid., 221.

<sup>47</sup> See Lewy Dorman, Party Politics in Alabama from 1850 through 1860 (Wetumpka, 1935). Hereafter cited as Dorman, Party Politics in Alabama.

parties, but in each instance steadfastly upheld the doctrine of unionism.

The center of political thought in Alabama throughout the period of Hilliard's influence was the Black Belt. Although this region was the home of the wealthy planters and the Whig leaders,<sup>48</sup> it was also the "native habitat of the southern Fire Eater."<sup>49</sup> From the standpoint of politics, the Montgomery or Second Congressional District was the most important section of the Black Belt. As a tribute to Montgomery's commercial and political significance, the state capital was moved to that city on January 28, 1846. Possessing a fine legal bar and a politically minded people, the new state capital sponsored numerous mass meetings which were addressed by "the ablest men of the State."<sup>50</sup> The district of which Montgomery was the focal point, observes Dorman

was the home of the two greatest political leaders of their respective parties-- W. L. Yancey, of the Democrats, and H. W. Hilliard, of the Whigs. The wealth of the planters, the ability of the political leaders, and the fact that the capital of the state

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<sup>48</sup>Frederick J. Turner, The United States, 1830-1850 (New York, 1935), 243.

<sup>49</sup>Vernon L. Parrington, Main Currents in American Thought, 3 vols. (New York, 1930), II, 62.

<sup>50</sup>Hodgson, Cradle of the Confederacy, 301.

was in this district, all these, combined to make it the most important district in the state. The contests in it were usually watched with great interest by political leaders in the other districts and even in other states.<sup>51</sup>

The press as well as oratory served as a powerful agency for moulding the public thought. The following chart shows the extent and scope of the Alabama press in 1850:<sup>52</sup>

<u>Type of Newspapers</u>	<u>Circulation</u>
6 dailies.....	2,804
5 tri-weeklies.....	1,708
48 weeklies.....	29,020
1 semi-monthly.....	750

Thus, there were sixty newspapers with a total circulation of 34,282. Of this number, the Whig papers had a circulation of 11,671 and the Democrat organs had a total of 14,165.<sup>53</sup> Ten years later, as the following statistics indicate, the overall coverage of the Alabama newspapers

<sup>51</sup>Dorman, Party Politics in Alabama, 22. Similar views are expressed by Hodgson, Cradle of the Confederacy, 301-302; Du Bois, The Life and Times of William L. Yancey, I, 185-187; Williams, "Early Ante-bellum Montgomery," loc. cit., 525.

<sup>52</sup>See Joseph C. Kennedy, "Catalogues of the Newspapers and Periodicals published in the United States," in Livingston's Law Register, 1852.

<sup>53</sup>Ibid.

had increased almost threefold:

<u>Type of Newspapers</u>	<u>Circulation</u>
9 dailies.....	8,820
5 tri-weeklies.....	2,886
77 weeklies.....	74,289
1 semi-weekly.....	400
3 monthlies.....	7,200

In 1860, therefore, there were ninety-five newspapers with a circulation of 93,595.<sup>54</sup> This total represents about one-fifth of the entire white population of Alabama in 1860.

Since the Montgomery District was the acknowledged center of political activity in the state, the newspapers produced in that area had a wide influence. The Alabama Journal, for example, under Hilliard's editorship (1840-1841) became "the most powerful organ of the Whig party in the Alabama Black Belt with an influence extending far beyond the state limits."<sup>55</sup> Advocating conservative, aristocratic principles, the Journal perhaps enjoyed its greatest influence under the Unionist Whig, John C. Bates, who was editor from 1841 through 1857.<sup>56</sup> The Bufaula

<sup>54</sup> Eighth Census of the United States, 1860.

<sup>55</sup> Williams, "Early Ante-bellum Montgomery," loc. cit., 518.

<sup>56</sup> Ibid.

Southern Shield and the Tuskegee Macon Republican joined with the Alabama Journal in advancing these views.

Two of the leading Democratic papers of the state were produced in the city of Montgomery and in the town of Eufaula. The Montgomery newspaper, which often changed its name, eventually became known as the Advertiser. This organ, for the most part, advanced moderate democratic theories based on the doctrine of state rights. Leaders who adhered to this philosophy were called the "Montgomery Regency."<sup>57</sup> Eufaula, though small in size, became the pivotal point for the development of fire-eating principles.<sup>58</sup> In 1850 the Eufaula Democrat changed its name to the Spirit of the South. In doing so, it stated as its new purpose the desire to "unite all Southern men in firm resistance to Northern aggression, both past and future, and to wheel all our divisions into one mighty phalanx of Southern unanimity."

To gain further insight into the importance of the Montgomery District newspapers, it is essential to examine the circulation of these journals at the time of the vital contest between the unionists and secessionists in 1851. Kennedy reports that the Democratic papers-- the Montgomery

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<sup>57</sup> Dorman, Party Politics in Alabama, 22.

<sup>58</sup> Ibid.

Atlas, the Montgomery State Gazette and the Eufaula Shield -- had a combined circulation of 4,800. At the same time the Whig organs-- the Macon Republican, the Eufaula Southern Shield and the Alabama Journal-- reached 3,225 homes. It is significant to note that the combined total of 8,025 constituted about one-fourth of the entire circulation for the state.<sup>59</sup>

Hilliard's audience, it seems clear, was the product of many forces, chief of which was occupational status. Tales of the fertile soil of the Black Belt reached the people of Georgia, South Carolina, North Carolina, and Tennessee. Thousands of immigrants from these states, as well as from the North and from Europe, joined the southwestward migration and settled in central Alabama. The soil was rich and the agricultural profits were high. Soon the citizens of this area were thinking in terms of cotton, Negroes, and money.

Naturally, the people had other interests, but as time went on many of these normally important interests became subordinate to the problem of economic welfare. Alabamians joined the Methodist and Baptist churches, hoping

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<sup>59</sup> Kennedy, "Catalogue of the Newspapers and Periodicals published in the United States," loc. cit.

to find a medium of expression for their spiritual and moral beliefs. At first these churches held that slavery was wrong; but, in time, they were forced to modify their stand. Following the rise of the abolitionist movement in the North, church leaders in the South knew that they had to reconcile the practice of slavery with the teachings of the Bible. When the North failed to accept this position, the spiritual cord which helped bind the Union snapped. The audience was then ready to turn to the political leaders for further protection.

Although there were numerous political parties during the fifteen years preceding the Civil War, there were few actual issues between them. In fact, there was but one burning question: how can Alabama and the rest of the South best preserve the type of economy upon which the security of the cotton planter is based? The people went in different directions seeking this answer. Some turned to secessionism; others did not know which road to take. For those who were undecided, the orators and the editors tried to point the way. How well they succeeded depended largely upon their ability to adapt to the basic motive of economic self preservation.

To a large extent Hilliard's Alabama listeners were more than a group of people settled in the central part of the state. Their issues belonged not to the Black Belt

alone, but to the entire South; their mind was the mind of the South. For this reason, the political struggles which took place in Alabama were watched with keen interest by the entire Union.

## CHAPTER V

### PLEDGLING WHIG: 1838 - 1841

In 1838 Hilliard could sense the political excitement which lay ahead. For one who had long secretly yearned to motivate vast popular audiences as his idols, Demosthenes and Cicero, had done, the time seemed ripe to enter the field of politics. Temporarily pushing aside his interest in law and the ministry, he began to express his views on the leading political questions of the day. Despite his lack of practical experience in this new sphere,<sup>1</sup> he achieved considerable success from the beginning.

One of the most controversial political questions in the nation at the time of Hilliard's entry into the political arena was Van Buren's independent or sub-treasury scheme. This issue was an outgrowth of the protracted battle which took place between Jackson and the

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<sup>1</sup>It was stated that Hilliard, while in Tuscaloosa, was the "incognito editor of the Monitor," a Whig newspaper. George F. Mellen, "Henry W. Hilliard and William L. Yancey," Sewanee Review, XVII (January, 1909), 33. This is seemingly the only reference of political activity on the part of Hilliard during his three years at the University of Alabama.

advocates of a national bank. Charging that the bank was corrupt and unsound, Jackson removed all government deposits in 1833. In the same year William M. Gouge in his History of Paper Money urged Congress to establish an independent treasury.<sup>2</sup> The following year William F. Gordon of Virginia, proposed in the House of Representatives that the bank should be divorced from the state.<sup>3</sup> Since only a few Southerners and a small minority of Whigs were interested in the plan at this time, not much progress was made. After the banks failed in May, 1837, however, Van Buren called a special session of Congress in September and advocated "the entire separation of the Government from the banks, proposing that it collect, keep, and disburse its own funds."<sup>4</sup> Shortly afterward, Silas Wright introduced a sub-treasury bill in the Senate. Later it was amended by Calhoun who insisted that a "specie clause"

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<sup>2</sup>Arthur M. Schlesinger, Jr., The Age of Jackson (Boston, 1946), 227.

<sup>3</sup>Ibid., 228.

<sup>4</sup>David Kinley, The Independent Treasury of the United States and Its Relation to the Banks of the Country (Washington, 1910), 34.

should be added.<sup>5</sup>

During the ensuing weeks a bitter contest raged between the Democrats and the Whigs over the merits of the bill. Clay and Webster denounced the measures as an attempt to destroy the traditional banking system of America.<sup>6</sup> Calhoun replied that it was far more desirable to separate the government from the banks than it was to maintain "a league of state banks, or create a national bank."<sup>7</sup> At the conclusion of several months of vigorous debate the Senate, by a margin of two votes, passed the bill. The House, however, voted to lay it on the table.<sup>8</sup> When it was taken from the table a few weeks later the Senate again voted in the affirmative. But the House of Representatives this time rejected the bill by a vote of 125 to 111.<sup>9</sup> The issue,

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<sup>5</sup>Some of the provisions of the Senate bill were as follows: (a) The treasurer of the United States shall keep all public money in the Treasury of the United States; (b) A mint shall be located in Philadelphia and a subordinate mint in New Orleans; (c) Four officers called "receivers general" were to be appointed by the president for purpose of receiving public money; (d) This money should be kept in specie alone. In short, the bill was designed to set up a government bank, "to be managed and controlled by the treasury department, acting under the commands of the president of the United States." See Niles' National Register, LIV (1838), 66-67.

<sup>6</sup>Ibid., 8-9, 68.

<sup>7</sup>Ibid., 184.

<sup>8</sup>Ibid., 65.

<sup>9</sup>Ibid., 273.

however, was by no means settled. Leaders in Congress and in the state legislatures continued to clamor for the passage of some type of sub-treasury scheme.

The controversy in Alabama, as in the rest of the nation, formed largely along party lines. The Democrats tended to support the administration's hard money policy; the Whigs, on the other hand, felt that more currency was needed. Two of the earliest protagonists in this Alabama contest were Dixon H. Lewis, a state rights Democrat,<sup>10</sup> and Hilliard. Under the name of "Nullifier," Lewis wrote a series of articles in which he upheld the sub-treasury plan. Hilliard, then a practicing lawyer in Montgomery, wrote five letters in reply, and signed his name as "Junius Brutus."

In these letters--all of which appeared in the Whig papers of Montgomery--Hilliard attacked the independent treasury scheme on two grounds. First, it would weaken the financial fabric of the nation; secondly, it would establish a dangerous political precedent. In support of the first point he maintained that it was not

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<sup>10</sup>At the time of the controversy, Lewis represented the Montgomery District in Congress. As a state rights leader in Alabama, he followed a course similar to that initiated by Calhoun. See Garrett, Reminiscences of Public Men in Alabama, 63.

enough to have a uniform currency. It must, in addition, be "abundant, cheap, and convenient." To make this abundance possible a banking system, he contended, was needed. But Hilliard's objection to the sub-treasury plan was not limited to the problem of business stagnation. More important, he felt that it would destroy the "balance of power in the government." He thus argued that to take from congress the right to control the purse and transfer that power on a permanent basis to the executive would be unconstitutional. In this connection Hilliard asserted that our forefathers in distributing powers placed "public funds under the control of the Representatives of the people, for they well knew that if the purse and the sword were placed in the same hands, liberty would exist only at the pleasure of the tyrant who held them."<sup>11</sup>

These replies which were hailed as "an argumentative and eloquent refutation of Mr. Lewis' views" succeeded in rallying a vast majority of the Whig party against the independent treasury scheme.<sup>12</sup> Soon Hilliard was urged to be a candidate for the state legislature.

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<sup>11</sup>Henry W. Hilliard, Five Letters on the Sub-Treasury Scheme, by Junius Brutus (Montgomery, 1838), in J. L. M. Curry Phamphlets, XXVII, Alabama State Department of Archives and History, Montgomery.

<sup>12</sup>American Review, X (December, 1849), 611.

After an animated contest he was elected to his first political office in the summer of 1838. The triumph was regarded with pleasure even in South Carolina where the contest between Hilliard and Lewis had been followed closely. One of the most important newspapers in Columbia asserted that "the election of Mr. Hilliard is the decision of the controversy between 'Junius Brutus' and 'A Nullifier.'" The editor then added that this "deed of the stripling [Hilliard] with his sling and pebble, is an earnest of his future success."<sup>13</sup>

On December 3, 1838, Hilliard took his seat in the Alabama House of Representatives. Four days later Judge William Smith<sup>14</sup> introduced a series of resolutions upholding the sub-treasury scheme. Two of the resolutions were as follows:

- (1) Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed to oppose and vote against the recharter of a Bank of the United States, or the establishment of any bank of a similar character;
- (2) Be it further resolved by the authority aforesaid, That our Senators be also instructed, and our Representatives requested, to support and vote for

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<sup>13</sup> Undesignated South Carolina paper quoted in ibid., 611.

<sup>14</sup> Smith had formerly served as a United States Senator from South Carolina from 1816-1823 and from 1826-1831. Moving to Alabama, he entered the state legislature in 1835.

the entire separation of the public revenue from the keeping or control of any bank or banks of any description whatever. . . .<sup>15</sup>

Smith's purpose was twofold. Not only did he want the legislature to go on record as approving the independent treasury scheme, but he also desired the assembly to uphold the idea of instructing her Representatives and Senators as to how they should vote.

The debate which followed the introduction of the resolutions, observes Garrett,<sup>16</sup> "was probably the most general, was participated in by more gentlemen, and with more ability and earnestness, than any that has occurred since on party abstractions."<sup>17</sup> In the initial stages of the contest the Whigs assigned to Hilliard the task of replying to Smith. The speech was delivered over a two-day period and in each instance was heard by a crowded gallery comprised of the "elite of the city [Tuscaloosa], and strangers visiting the Capital."<sup>18</sup>

Hilliard's address on this occasion was based largely upon the "Junius Brutus" letters. There were,

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<sup>15</sup> Garrett, Reminiscences of Public Men in Alabama, 72.

<sup>16</sup> Garrett was at this time Clerk of the Legislature.

<sup>17</sup> Garrett, Reminiscences of Public Men in Alabama, 75.

<sup>18</sup> Ibid., 96.

however, some important modifications which, when considered, give a further insight into Hilliard's political philosophy. After praising the forthright appeal which Edmund Burke had given to the electors of Bristol in 1780, Hilliard discussed the relation which exists between a representative and his constituents. He pointed out that the legislature of a state--contrary to the sentiments of Smith's resolutions--should be reluctant to instruct the Senators of the United States. To illustrate this argument Hilliard drew a parallel between the function of the House of Representatives and that of the Senate.

In the representative branch of the national Legislature, every popular feeling, opinion, and even prejudice is expected to be felt and exhibited; coming from the great body of the people, directly responsible to them, and holding office for so brief a season, they are supposed to feel sensitively, and to reflect most faithfully, every fluctuation in public sentiment. But the waves of popular commotion, which will sometimes, in the purest republics, and among the most generous people, rise too suddenly and mount too high, are expected to slash and break at the feet of the calm and unmoved Senate.<sup>19</sup>

Since the essence of the Senate, therefore, is stability, added Hilliard, it is a dangerous practice to bring "every party question to bear upon the deliberations of the

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<sup>19</sup> "Speech on the Sub-Treasury System," in Hilliard, Speeches and Addresses, 22. The source for this argument, states Hilliard, is the Federalist Papers.

United States Senate."

Following the line of reasoning which he had used in his series of letter, Hilliard next expressed fear concerning the economic and political aspects of the sub-treasury scheme. The bill, he argued, was designed to break down the banking system of America. Admitting that the banking system had not always been sound, Hilliard questioned the wisdom of lending "aid to the support of a scheme which, while it promises to deprive the banks of their power to do evil, at the same time robs them of their ability to do good."<sup>20</sup> Moreover, he maintained that the bill would restrict the amount of money in circulation; this, in turn, would lower the economic status of the laboring classes and impede the progress of public improvements.

Turning to the political features of the scheme, Hilliard insisted that Congress, not the President, should control the Treasury Department. Again using the Constitution as a basis for his argument, he stated that it is the duty of the executive

to see that the laws are faithfully observed; and, to sustain the high and important functions which belong to his office, he commands the whole military

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<sup>20</sup> Ibid., 37.

force of the country. Other powers are assigned to Congress; and among them, the control of the public funds--in itself a very high trust. They, the representatives of the people, are to guard the treasure of the nation with unrelaxing vigilance, and no appropriation can be made without their action. It will at once be seen how deeply this arrangement concerns popular liberty, and any measure which proposes to disturb this adjustment of powers is condemned by the Constitution, and is hostile to the dearest public interests.<sup>21</sup>

Although Hilliard's constitutional argument, according to one writer, was "a triumphant one,"<sup>22</sup> the Whigs were defeated in the vote on Smith's resolutions by a coalition of the Democratic with the state rights men.<sup>23</sup> But, while the speech did not sway the majority, it succeeded, nevertheless, in further unifying the Whigs.<sup>24</sup>

Two additional issues--one sectional, the other personal--concerned Hilliard during the short period in

<sup>21</sup> Ibid., 45.

<sup>22</sup> American Review, X (December, 1849), 611.

<sup>23</sup> Proof of this alliance is that "Mr. James M. Calhoun, of Dallas, was elected President [of the Senate] without opposition. This was a concession by the Democratic party, not only of Mr. Calhoun's acknowledged fitness for the position, but as a recognition of the alliance which had been brought about under the force of the financial question, between the Democrats proper, and the extreme State Rights men." Garrett, Reminiscences of Public Men in Alabama, 64.

<sup>24</sup> The Whig party of the state met in early February at Tuscaloosa for the purpose of organizing for the forthcoming political contest. A series of resolutions opposing the sub-treasury scheme were adopted. See Niles' National Register, LV (1839), 371.

which he served as a member of the Alabama legislature. Particularly, he was disturbed with the economic status of Alabama and of the South in general. As a result, he introduced a bill to "encourage a direct export and import trade with Foreign countries, and authorize the formation of Joint Stock companies, for the purpose of dealing in foreign and domestic merchandise and produce."<sup>25</sup> In offering this bill Hilliard expressed the hope that other southern states should join Alabama, so that the South through "concert of action" would no longer be economically subservient to the North.<sup>26</sup>

Of personal interest to Hilliard at this time was his candidature for the Judgeship of the Sixth Circuit. Nominated as the Whig choice for this important judicial office, he was opposed by two other candidates. After a warm contest in which several ballots were taken, Hilliard was defeated.<sup>27</sup> This defeat, along with the vote on Smith's resolutions, was primarily due to the minority status of the Whigs. Notwithstanding the fact, however, that Hilliard accomplished little, politically speaking, during

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<sup>25</sup> Journal of the Alabama House of Representatives, 1837-1838, December 7, 1838, 32.

<sup>26</sup> Ibid., December 13, 1838, 51.

<sup>27</sup> Garrett, Reminiscences of Public Men in Alabama, 69-70.

his term in the legislature, he "established a fine reputation among men of all parties," states Garrett, "for high-toned bearing and social intercourse."<sup>28</sup>

In November of the same year Hilliard was chosen as one of twelve Alabama delegates to the national Whig convention to be held at Harrisburg in December.<sup>29</sup> Like most of his Southern colleagues, Hilliard went to the convention determined to press the nomination of Clay.<sup>30</sup> It soon became evident, however, that the majority of delegates, hoping to rally around a popular national figure, favored Harrison. On the fourth and final ballot one hundred and forty-eight votes were cast for Harrison, ninety for Clay, and sixteen for Winfield Scott.<sup>31</sup> To some degree the disappointment of the Southern delegates over the loss of Clay was offset by the nomination of John

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<sup>28</sup> Ibid., 96.

<sup>29</sup> Niles' National Register, LVII (1839), 216. The national convention at Harrisburg was the first in the history of the Whig party. See Arthur Meier Schlesinger, Political and Social History of the United States (New York, 1930), 62.

<sup>30</sup> Hilliard, Politics and Pen Pictures, 4. For the attitude of Southern Whig leaders in general, see Arthur C. Cole, History of the Whig Party in the South (Washington, 1914), 58.

<sup>31</sup> Proceedings of the Democratic Whig National Convention which assembled at Harrisburg, Pennsylvania, on the fourth of December, 1839. . . . (Harrisburg, 1839).

Tyler as vice-president. As senator from Virginia, Tyler championed the cause of state rights and advocated a strict construction of the Constitution. If he were vice-president, therefore, he could be expected--so many Southerners thought--to carry out a similar philosophy. Consequently, in case of a tie vote in the Senate, he would be in a strategic position to cast the deciding vote in favor of the South.<sup>32</sup>

Interestingly enough, Hilliard played a significant role in the selection of the vice-presidential candidate. On his way to Harrisburg he stopped in Washington to see his friend, William C. Preston. While there he met Tyler and the two travelled by train to the convention together. Throughout the trip the two Whig delegates discussed freely the leading political questions of the day. In retrospect, Hilliard said of this meeting with Tyler: "I was honored by the attentions which he gave to me."<sup>33</sup> Within a few hours after the journey had ended, Hilliard cast the first vote for Tyler as vice-president.<sup>34</sup> From

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<sup>32</sup>Henry A. Wise, Seven Decades of the Union (Philadelphia, 1872), 175.

<sup>33</sup>Hilliard, Politics and Pen Pictures, 4.

<sup>34</sup>Ibid., 8; Oliver P. Chitwood, John Tyler Champion of the Old South (New York, 1939), 167.

that moment until the balloting was over, he voted consistently for both Clay and Tyler.

Further evidence of Hilliard's influence on behalf of Tyler is indicated by the following statement made by an Alabama delegate to the Harrisburg Convention:

If any honor is due to any man for the first nomination of Mr. Tyler, it is the Hon. Henry W. Hilliard of this State, who proposed his name to his colleagues. A warm admirer of the noble man who would in the Senate of the United States pursue the dictates of right, though he did so alone, it needed but a few words from the eloquent Hilliard to convince his brother delegates that John Tyler was the most proper person for Vice President.<sup>35</sup>

At the close of the convention, Hilliard, although somewhat disappointed at Clay's defeat, asserted that the Alabama Whigs would give their unqualified support to the national ticket. Returning to Montgomery he expressed so much faith in the Whig cause that he "did not believe defeat possible."<sup>36</sup>

Much has been said of the colorful campaign of 1840. It was, observed Thurlow Weed in 1886, "a canvass never surpassed, never equalled in zeal."<sup>37</sup> Nathan Sargent,

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<sup>35</sup>Huntsville Advocate, quoted by Montgomery Alabama Journal, May 12, 1841.

<sup>36</sup>Hilliard, Politics and Pen Pictures, 11.

<sup>37</sup>Thurlow Weed, Autobiography and Memoirs of Thurlow Weed, 2 Vols. (Boston, 1884), I, 491.

attempting to give his readers "a faint notion of the extraordinary scenes," asked them to "imagine a whole nation declaring a holiday or season of rollicking for a period of six or eight months, and giving themselves up during the whole time to the wildest freaks of fun and frolic. . . ." <sup>38</sup>

The popular emblem of the campaign was built around the theme of the log cabin and hard cider, and the raccoon. Actually the Democrats originated the catchy slogan, Seargent Prentiss told an audience in Maine, when they "declared that Gen. Harrison should have a pension of \$2,000 a year, plenty of hard cider, and then that he would rest content in his log cabin for the remainder of his life." <sup>39</sup> Sensing the popular appeal of such an emblem, the Whigs used it to their own advantage. "The man who does not appreciate the Log Cabin," said Prentiss, "can feel no sympathy with the associations of our national flag." <sup>40</sup>

<sup>38</sup> Nathan Sargent, Public Men and Events, 2 Vols. (Philadelphia, 1875), II, 108.

<sup>39</sup> Dallas C. Dickey, Seargent S. Prentiss: Whig Orator of the Old South (Baton Rouge, 1945), 185.

<sup>40</sup> Ibid., 186.

The racoons, too, played an interesting part in the mammoth rallies held throughout the North and the South. Hilliard recalled attending a mass meeting at Montgomery in 1840 in which "a large racoon was thrown on the table in front of the speaker."<sup>41</sup>

Perhaps one of the leading causes of this political fanfare was that personalities had precedence over issues in the contest. Southern Whigs, for example, went to great extremes to show that "Harrison was a genuine Jeffersonian democrat. . . . while van Buren and the corruptionists represented a new-fangled and perverted type."<sup>42</sup> Followers of the Democratic Party in the South, on the other hand, denounced Harrison as a "Federalist, who favored broad and unlimited powers in the Federal Government."<sup>43</sup> In short, charges and counter charges were the order of the day.

The Whigs, it seems, were largely responsible for the pattern of the campaign. At the Harrisburg Convention they had failed to adopt a definite platform; nor could they have agreed on one, for "the party was composed of

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<sup>41</sup> Hilliard, Politics and Pen Pictures, 15.

<sup>42</sup> Cole, Whig Party in the South, 62.

<sup>43</sup> Wise, Seven Decades of the Union, 174.

discordant elements. . . ."<sup>44</sup> Instead of developing real issues, therefore, the Whigs chose to play up Garrison's virtues; at the same time, they associated corruption in government with Van Buren and played upon panic conditions. With this approach it was not hard for the Whigs to say that their efforts represented a moral crusade.<sup>45</sup>

Like the citizens of most of the states throughout the Union, Alabamians entered the contest of 1840 with unusual fervor. The campaign which followed, observes Jack, "was undoubtedly the most bitter political battle ever waged in Alabama, with more enthusiasm and acid partizanship displayed than in any other contest."<sup>46</sup> To some extent this canvass was a dress rehearsal for the equally bitter contests which were to take place between the unionists and the secessionists in 1851 and again in 1860. For the presidential campaign in Alabama in 1840

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<sup>44</sup> Dickey, Seargent Prentiss, Whig Orator of the Old South, 170. One critic observes that the Whig Party "was made up of the most incompatible elements, varying from an original nucleus of National Republicans to the most extreme state rights men like Tyler, and any attempt to define its principles must have resulted in its dissolution." George P. Garrison, Westward Extension, 1841-1850. (New York, 1906), 46.

<sup>45</sup> Wise, Seven Decades of the Union, 175.

<sup>46</sup> Jack, Party Politics in Alabama, 68. Since Jack's study does not extend beyond 1841, however, he was thinking only of those contests up to that time. Speaking in 1872, Garrett referred to the "Presidential canvass of 1840. . . as the fiercest contest ever waged in the State." Garrett, Reminiscences of Public Men in Alabama, 127.

was not merely a contest between the supporters of Van Buren and the followers of Garrison. It was to a large degree a battle between sectionalists and unionists. Hodgson, who was familiar with this period, has said:

The fact that the nullifiers, as they were called, were acting unitedly with the Democrats, gave occasion to the Whigs to claim for themselves the distinction of being Unionists. So strong was the sentiment of unionism among the Whigs of that day [1840], that a huge ball was rolled from the Mississippi river to the Atlantic, through all the Gulf States, bearing among its inscriptions-- 'South Carolina! Hemp for traitors!' 'Massachusetts; ever faithful!' This ball was received at Montgomery with a grand ovation, and was conducted by one of the leading Whig politicians, James Abercrombie, one of the foremost men of that section.<sup>47</sup>

Of course, the Democratic-nullifier coalition supported the national candidate, Van Buren. But it did so thinking that he, more than Garrison, would be less inclined to interfere with the sectional interests of the South.

The role of Hilliard in this campaign of 1840 was significant. Optimistic and zealous about the Whig cause he purchased, early in January, a one-half share in the Montgomery Alabama Journal.<sup>48</sup> In the months that followed he filled his editorial columns with Whig propaganda. Van Buren was used as a "whipping boy," while Garrison and Tyler were eulogized. But Hilliard's greatest service to

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<sup>47</sup> Hodgson, Cradle of the Confederacy, 238, 239.

<sup>48</sup> Montgomery Alabama Journal, January 15, 1840.

his party was his speech-making. From his return from Harrisburg in December, 1839, until the elections in November of the next year, he stumped the state in support of the National Whig ticket.

At a great rally in Montgomery in January, Hilliard reported on the Harrisburg Convention. After criticizing the administration he called upon the members of his audience to support the men who had been nominated by the Whig Party. The speech was presented in a "glowing, masterly and eloquent style," observed Hilliard's partner in the Alabama Journal.<sup>49</sup> Judging from the applause which could be heard throughout the speech, continued the editor, we may conclude "that the Whigs of Montgomery, though at first they have preferred the eloquent and patriotic statesman of Kentucky [Clay], are now fully prepared to enlist under the broad banner of Harrison and Tyler."<sup>50</sup>

Two months later Hilliard travelled to Butler County where a meeting was held for the purpose of appointing delegates to the Whig Convention at Tuscaloosa in June. Though he was not scheduled to speak, Hilliard responded to a call from the audience and delivered an

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<sup>49</sup> Ibid. Seemingly there are no complete versions of this speech or subsequent speeches delivered in the campaign of 1840.

<sup>50</sup> Ibid.

impromptu address using as his theme the "errors of the administration."<sup>51</sup>

By now the preliminary phase of the contest was over. Early in April the two parties began to speed up their efforts. Outstanding speakers of both groups were sent to all parts of the State. The Whigs were especially concerned about northern Alabama, the chief Democratic stronghold. The Democrats, on the other hand, concentrated on improving their strength in the Black Belt region. "The whole contest," observes Jack, "amounted practically to a struggle between the 'North' and the 'South' for supremacy in the politics of the State."<sup>52</sup>

But Hilliard, it is to be noted, did not limit his activity to the boundaries of his own state. On the 17th of April he journeyed to Columbus, Georgia, to speak to the "log cabin" men of that area. Speaking before "the largest and most respectable meeting ever convened in this city," he pointed out that the administrations of Jackson and Van Buren were responsible for the present distresses in the country. These disastrous conditions will be worsened, he added, if the sub-treasury scheme is put into

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<sup>51</sup> Ibid., March 18, 1840.

<sup>52</sup> Jack, Party Politics in Alabama, 69.

practice. Pleased with what he called "a truly eloquent address," the Columbus correspondent observed that long after Hilliard had concluded, "the welkin rang with buzzza for 'Old Tippecanoe.'"<sup>53</sup>

Six weeks later Hilliard, along with more than one thousand other delegates, attended the Whig Convention in Tuscaloosa. In addition "hundreds of ladies graced the convention with their presence."<sup>54</sup> One of the biggest meetings in Alabama during the 1840 campaign, it stirred the interest of the people throughout the State. Hilliard describes the event as follows:

It was largely attended, and the ardor of the people was displayed as it never had been before in Alabama. Delegations came from the remote counties, some of them bringing with them log-cabins on wheels drawn by fine horses, and displaying the symbols of pioneer structures; the gourd, the string of red pepper, a barrel of cider, the latch-string of the door conspicuously hung on the outside and the raccoon.<sup>55</sup>

The convention began with a series of rousing speeches of welcome to each delegation. Responding to the welcoming speech presented to the Montgomery delegation, Hilliard said:

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<sup>53</sup>Montgomery Alabama Journal, April 29, 1840.

<sup>54</sup>Niles' National Register, LVIII (1840), 245.

<sup>55</sup>Hilliard, Politics and Pen Pictures, 19. For a similar description see Garrett, Reminiscences of Public Men in Alabama, 111-112.

We are Sir, in the midst of a revolution, a revolution which does not propose to accomplish its purposes by arms, but which is not the less a great and sweeping revolution. The American people are roused--and they are starting from their torpor, with the strength of a giant refreshed with wine

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By thus stressing the idea of "revolution"--the rising of the people against Van Burenism and locofocoism--Hilliard was employing the battle cry of the Whigs in 1840. Nevertheless, his assertion was not just political propaganda. It was a firm conviction which had characterized his thinking since his entrance into politics two years before.<sup>57</sup> Time had served only to intensify his belief that a revolution was taking place throughout America.

Among the seven presidential electors chosen by the Tuscaloosa convention was Hilliard.<sup>58</sup> This, of course, meant an increase in his speechmaking and a corresponding decrease in his editorial activity. Consequently, the Alabama Journal announced on the 29th of July that Hilliard "has ceased to exercise any control over the columns of the paper" until after the election.<sup>59</sup>

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<sup>56</sup>Montgomery Alabama Journal, June 17, 1840.

<sup>57</sup>See Hilliard's "Speech on the Sub-Treasury System," Speeches and Addresses, 9.

<sup>58</sup>Niles' National Register, LVIII (1840), 245.

<sup>59</sup>Montgomery Alabama Journal, July 29, 1840.

One of the first speeches delivered by Hilliard as a presidential elector was his debate with Benjamin F. Fitzpatrick at Wetumpka in June. The Argus gives the following brief account of the meeting: "On Friday last, in the Theatre at West Wetumpka, a public discussion of the claims of the respective candidates for the Presidency, took place. Mr. Hilliard. . . . opened the debate; he was followed by Col. Fitzpatrick."<sup>60</sup>

Typical of Hilliard's 1840 stump orations was his address at Union Springs in Macon County on July 23th. The arguments were similar to those presented by most of the Whig supporters at this time. Harrison was defended: Van Buren accused.<sup>61</sup> Contrary to what Democratic leaders have charged, argued Hilliard, Harrison is not sympathetic toward abolitionism. In fact, he has always acted with the South on this controversial issue. Hilliard next considered the charge that Harrison was a Federalist. After setting forth evidence to show that the Whig candidate was sound on this subject, Hilliard tried to prove to the Jeffersonian

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<sup>60</sup> Wetumpka Argus, June 24, 1840.

<sup>61</sup> This approach was used consistently by Seargent Prentiss throughout the 1840 campaign. His speech delivered in Maine, for example, falls "into two parts. For half of his time or more he denounced Van Buren. In the second part he eulogized Harrison." Dickey, Seargent Prentiss, Whig Orator of the Old South, 181.

South that Van Buren, not Harrison, was the actual Federalist. The first public act of Van Buren, continued the speaker, occurred during the War of 1812, when he sided with De Witt Clinton and the peace party in opposing Madison.

Having dealt with these charges, Hilliard concluded his speech with a eulogy on the moral character of Harrison. One "log cabin" man in commenting on the address said: "I consider ourselves fortunate in getting such a man to canvass our district as Mr. Hilliard; as no one with more zeal and ability in sound argument and eloquent declamation could have been chosen. Well may he be called the Achilles of Alabama for he justly merits the appellation."<sup>62</sup>

A few days later Hilliard delivered a similar speech at a Public Barbecue in Barbour County before five hundred people. Again he tried to vindicate Harrison and to associate the administration with corruption. "At the conclusion of every sentence," observed one witness, "the welkin rang with deafning [sic] shouts from the auditory."<sup>63</sup> Not all of the listeners, however, liked Hilliard's partisan speech. One writer was particularly disturbed

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<sup>62</sup>Montgomery Alabama Journal, August 5, 1840.

<sup>63</sup>Ibid., August 12, 1840.

over the Whig orator's charge that Senator Benjamin Tappan of Ohio "was an Abolitionist, who offered to give \$500 to the Negroes for the purpose of buying arms and ammunition, to kill the whites with, in case of a revolt."<sup>64</sup> In attempting to refute this charge, the critic sarcastically observed:

Now Henry W. Hilliard, for in the future we shall drop your title of 'Reverend,' do you pretend to believe one word of this charge? . . . You thought because the name of Hon. Mr. Tappan (a title which you will never bear) was that of the notorious Abolitionist of New York, you could work upon the feelings, the passions of the crowd--an artifice which may succeed in the high calling--which you profess--but will never do when men are eager to hear argument . . .<sup>65</sup>

While this charge is doubtless too severe in its tone, it suggests that Hilliard in a campaign involving personalities, relied heavily upon the ad hominem appeal. Yancey, who often heard Hilliard speak in 1840, observed in a congressional speech six years later:

I heard the gentleman [Hilliard] with great eloquence of manner, and to the great entertainment of his friends around him tell how many towels Mr. Van Buren used, and go into many other particulars not fit to be repeated to ears polite, or, even to ears as impolite as those of the House sometimes seems to be. He went into many interesting details about gold spoons, and excited greatly the risibility of the crowd who listened to him, and of myself among

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<sup>64</sup> Wetumpka Argus, August 19, 1840.

<sup>65</sup> Ibid.

the number.<sup>66</sup>

As the campaign progressed, emotionalism increased. Soon opposing political speakers began to attack each other. Colonel Benjamin F. Fitzpatrick of the Democratic ticket, it was said, had made such an attack on Hilliard. When the latter met Fitzpatrick in a joint debate in Montgomery in August,<sup>67</sup> therefore, Hilliard in retaliation made some disparaging remarks about his opponents's personal character. It was an unfortunate charge since it was later learned that Fitzpatrick had not made the statements attributed to him. The unhappy incident was finally brought to a close when Hilliard published an apology in the local papers.<sup>68</sup>

This tendency to be impulsive--a weakness which was largely overcome during the later years--was evident often in Hilliard's speaking during the canvass of 1840. On one occasion when interrupted by a listener who asked for more information on a charge made against Van Buren,

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<sup>66</sup>Cong. Globe, 29th Cong., 1st Sess., 651; Washington National Intelligencer, April 11, 1846. Yancey's remarks were given in reply to Hilliard's congressional speech defending the character of Daniel Webster.

<sup>67</sup>At the time of the debate, Fitzpatrick was an elector for the Democratic ticket. The following year he was elected Governor.

<sup>68</sup>Montgomery Alabama Journal, September 23, 1840; Southern Crisis, October 3, 1840.

Hilliard immediately appealed "to the audience to know if he was to be interrupted in this manner. . . ." <sup>69</sup>

From another standpoint the contest of 1840 was especially significant for Hilliard. It marked the first time that he opposed Yancey in politics. In many respects the careers of Hilliard and Yancey up to this time were parallel. Both had migrated from South Carolina to Alabama where they took up, among other things, the practice of law. Furthermore, both became editors of leading newspapers in central Alabama for the purpose of disseminating their political views. On May 16, 1840--four months after Hilliard purchased a share in the Alabama Journal--Yancey and his brother, in addition to editing the Wetumpka Argus, began publication of the Southern Crisis. The Crisis, in opposition to the Alabama Journal, advocated the election of Van Buren on the grounds that he upheld the democratic principles of Jefferson.<sup>70</sup> To appreciate the strong partisan feeling of these two journals during the campaign of 1840, we need only look at the following attack on the editor of the Alabama Journal which appeared in the Southern Crisis in July:

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<sup>69</sup> Wetumpka Argus, August 19, 1840.

<sup>70</sup> Rexford S. Mitchell, "William Lowndes Yancey: Orator of Southern Constitutional Rights," Unpublished doctoral dissertation, University of Wisconsin, 1937.

We see that Mr. Hilliard's paper contains sly insinuations against, and open abuse of Mr. Lewis. [Democratic Congressman from the Montgomery District] We see that he lugs in Mr. Lewis' name, whenever he can well do it, in his Editorials. We see that he extracts all that he can find in other papers against him, charging the upright Lewis with base corruption! . . . All this hue and cry then, "of corruption," hard times, "impiety,"--all this profession of "great love, for the dear people," is but auxiliary to some future attempt to elevate the same Mr. Hilliard into the seat of the man whom he now lends his paper to columpate. What magnanimity! What purity of purpose!<sup>71</sup>

In August, Hilliard and Yancey were scheduled to meet in joint discussion for the first time. Du Bois observes:

A barbecue was. . . . announced at Drake's Cross-roads, Autauga County, where Yancey and Hilliard would debate. From far and near the people sent fat mutton, beef, pork, poultry, to the barbecue pits. They came on horseback and in carriages, with their wives and daughters, even a day's journey. The post-prandial ceremonies dissipated the asperities of the day; there was a string band to respond to the toasts; there were songs, foot races, leaping and horse races.<sup>72</sup>

Seemingly newspaper accounts concerning this proposed meeting do not exist.

By August the contest had been in full sway for almost three months. Now the time had come for the election of the representatives to the Alabama legislature.

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<sup>71</sup> Southern Crisis, July 18, 1840. Much of the material which appears in the Crisis can also be found in Yancey's other paper, the Wetumpka Argus.

<sup>72</sup> Du Bois, The Life and Times of William L. Yancey, I, 91.

At the conclusion of these elections political leaders on both sides studied the results carefully to see if they could detect a trend. Fifty-two administration men and forty-eight Whigs were elected to the House of Representatives.<sup>73</sup> The administration also maintained control of the Senate by a margin of twenty to thirteen. Although the Whigs showed significant gains in both Houses, the election was a clear-cut Democratic victory. The Democratic majorities in northern Alabama offset the Whig majorities in the central part of the state. "Thus the legislative election of 1840," observes Jack, "gave a sectional result, pure and simple."<sup>74</sup>

The Whigs, though somewhat depressed, were still confident that Harrison would carry the state. In the latter part of October from 6,000 to 10,000 enthusiastic Whigs assembled at Montgomery for one of the largest rallies of the campaign. As one of the principal speakers, Hilliard addressed the Convention for about one hour in "his usual happy and chaste style of oratory."<sup>75</sup> Hilliard had lost little of his early confidence as the contest drew to a close. On the eve of the election he told one

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<sup>73</sup> Niles' National Register, LIX (1840), p. 3.

<sup>74</sup> Jack, Sectionalism and Party Politics in Alabama, 73.

<sup>75</sup> Montgomery Alabama Journal, October 28, 1840.

audience:

We are on the eve of victory; throughout the whole field we hear the sound of preparation for to-morrow's battle; armorer's are busy closing rivets up; if we look in upon the tent of the leader of the opposing host, we should see him tossed upon a restless couch, disturbed with dreams of impending defeat; he sees the lights burn blue, and on the stricken field we shall hear him exclaim like Richard, at Bosworth, "A horse! A horse! my kingdom for a horse!"<sup>76</sup>

Hilliard's election eve prediction was only partially fulfilled. Harrison, indeed, won an overwhelming national victory; but he failed to carry the state of Alabama. The official election returns show that Van Buren obtained a majority of 5,520 votes out of a total of 62,462.<sup>77</sup> Again the result was sectional. "Above the northern line of the Black Belt," states Jack, "not a county gave a majority for Harrison."<sup>78</sup> Conversely, south of that line, sentiment was almost solid against Van Buren. It should be noted, however, that "the constant effort of the Democrats to associate the Whig candidate with the abolitionists had its effect in the Black Belt, and General Harrison fell far short of the normal party strength in many of the Whig strongholds."<sup>79</sup> In view of this, the

<sup>76</sup> Hilliard, Politics and Pen Pictures, 22. Hilliard does not identify the exact date of these remarks.

<sup>77</sup> Niles' National Register, LIX (1840), 243.

<sup>78</sup> Jack, Sectionalism and Party Politics in Alabama, 73.

<sup>79</sup> Ibid., 74.

twelve hundred vote majority which the Whigs gained in Hilliard's own district<sup>80</sup> was regarded as a decisive margin.<sup>81</sup>

Despite Hilliard's inclination toward impulsive action, and notwithstanding his frequent attacks on personalities, he established a reputation as an effective political leader and orator during the campaign of 1840. At one Whig gathering he was toasted as "Hilliard, the Hercules of the Whig Party."<sup>82</sup> Through his ability on the stump, observes Smith, he placed himself "in the foremost rank of American orators," and was, in 1840, the "acknowledged head and front of the Whig Party" in Alabama.<sup>83</sup>

Following the election Hilliard returned to the office of the Alabama Journal. Soon, however, a professional notice appeared stating that he was once again practicing law.<sup>84</sup> On December 23, 1840, his name was withdrawn from the mast of the Journal and before long it was learned that he and Jack Thorington had formed a law

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<sup>80</sup> Niles' National Register, LIX (1841), 243.

<sup>81</sup> American Review, X (December, 1849), 612.

<sup>82</sup> Montgomery Alabama Journal, August 12, 1840.

<sup>83</sup> Smith, Reminiscences of a Long Life, 219.

<sup>84</sup> Montgomery Alabama Journal, December 16, 1840.

partnership.<sup>85</sup> While Hilliard never again served as an editor, he did, nevertheless, continue to exert considerable influence over the Whig organs of the state.

The sudden death of Harrison in April, 1841, was the occasion for Hilliard's next major address. The citizens of Montgomery, including members of both political parties, held an elaborate ceremony at which time Hilliard delivered a eulogy on the deceased president. The Alabama Journal gave the following description of the setting of the speech:

The morning of last Saturday was ushered in by a salute of minute guns, and a funeral procession formed at the Pine Grove, headed by the Montgomery band, playing funeral marches, and a light company, the Blues, who appeared on the grounds with full ranks. . . . A numerous body of our citizens, composed of all parties, formed in the order designated, and with the badges of mourning followed in long array. . . . The church where the services were performed, was by the ladies appropriately prepared, by hanging of dark cloth and national flags reversed and shrouded in crape, and tastefully dressed with flowers and evergreens, emblematic of the occasion.<sup>86</sup>

In developing the eulogy, Hilliard used an approach similar to that which he had employed in his tribute to Charles Carroll of Carrollton. First, he traced briefly the leading events of Harrison's military and political career. Then he pointed out the moral and social

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<sup>85</sup>Ibid., December 23, 1840.

<sup>86</sup>Ibid., April 28, 1841.

virtues which characterized his personality. Harrison, he said, was "pure, lofty, benevolent, patriotic" and "honest." Moreover, he, more than any other president, "declared his faith in the Christian system," and read the Bible regularly.<sup>87</sup> It is not surprising to note that Hilliard commented at length on the latter point since both he and his audience regarded the teachings of Christ as fundamental truths.

Hilliard concluded his address with an appeal to patriotism:

While assembled here this day to honor the memory of the illustrious dead, let us bury all bitterness with him. We are American citizens; we claim a common country; we rejoice together in the day of her prosperity and mourn when the time of her affliction cometh. Gathering, then, about the tomb of the brave and good man who was lately our president, let our hearts warm toward each other, and let us cherish the virtues of the departed hero and statesman as the common property of the nation.<sup>88</sup>

To effect a climax in his closing plea, Hilliard borrowed the language of one of the great poets and applied it to the life of Harrison:

This was the noblest Roman of them all;  
His life was gentle; and the elements  
So mixed in him, that Nature might stand up,  
And say to all the world, This was a man.

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<sup>87</sup>"Speech on the Death of President Harrison," Hilliard, Speeches and Addresses, 408.

<sup>88</sup>Ibid., 408-409.

Of the speech the Alabama Journal said: "The Eulogy of Mr. Hilliard was, as was expected from the reputation of the speaker, chaste, eloquent and appropriate to the time and occasion."<sup>89</sup>

At the time of Hilliard's address the political parties in Alabama were making plans for the pending congressional elections scheduled for May.<sup>90</sup> The contest at first had promised to be a bitter struggle between a somewhat uncertain Democratic majority and a strong Whig minority. In the previous session of Congress the Democrats of Alabama had three representatives, while the Whigs had two. There was a good chance, however, that this balance might shift in favor of the Whigs. Leaders of both sides agreed that the crucial area was the doubtful Montgomery district. A Whig victory here, combined with certain victories in the Mobile and Tuscaloosa districts, would give the Whigs for the first time a majority representation in the lower House of the national Congress. This possibility disturbed the Democrats who did not relish the idea of having a minority representation

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<sup>89</sup>Montgomery Alabama Journal, April 28, 1841.

<sup>90</sup>Normally the elections would have been held in August. Since the terms of the Alabama representatives expired on March 4th, and since President Harrison, shortly after his inauguration, had asked Congress to convene in a special session in May, Governor Bagby of Alabama set May 20th as the date for the congressional elections. See Niles' National Register, LX (1841), 173.

in a state in which they had an overall majority of six thousand.<sup>91</sup>

To safeguard their majority, therefore, the Democratic leaders began to urge the adoption of a general ticket to replace the district system. Such a plan meant that candidates would be elected by the whole state rather than by individual districts. It was a clever, though somewhat undemocratic, scheme.<sup>92</sup> Under this system, the Whigs, as minority party, could not hope to win any of the congressional seats. Despite vigorous Whig opposition, however, a bill to this effect was introduced in and passed by the Alabama legislature in the fall of 1840. When signed by the Governor on January 1, 1841, the bill virtually sealed the outcome of the congressional

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<sup>91</sup>Yancey stated in his newspaper, the Wetumpka Argus, that "In three districts out of five, the Whigs have the power of electing a majority of Congressional representatives, while actually in a minority in the State of 6,000 votes. Thus the State is misrepresented." Wetumpka Argus, cited in Jack, Sectionalism and Party Politics in Alabama, 75.

<sup>92</sup>Apparently, Governor Bagby felt justified in advocating the plan. He told the members of the Alabama Legislature in the fall of 1840 that "The general ticket system is not only believed to be defensible upon principle, but to be perfectly equitable in practice. It gives to a majority of the whole people of the State, at all times, whatever may be their political opinions, the entire, undivided weight of the whole representation in Congress." Garrett, Reminiscences of Public Men in Alabama, 138.

selections.<sup>93</sup>

One of the Whigs affected by this new general ticket system was Hilliard who had been appointed as a candidate for Congress from the Montgomery district. Prior to his nomination Hilliard had been one of the leaders in the fight against the controversial bill.<sup>94</sup> Now that it had become law, he was to be one of the first victims. Had the district system remained intact Hilliard would probably have defeated his opponent, Dixon Lewis, by a majority of three hundred votes. Under the new ruling, however, he received but 17,449 votes compared to 23,329 for Lewis.<sup>95</sup> Thus, through the intervention of the legislature, the young Whig orator was defeated in his first attempt to win a congressional seat. The Democrats, as was predicted, won all five seats. Fortunately for the Whigs, however, the people of Alabama later went to the polls in August and repudiated the general ticket system.<sup>96</sup>

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<sup>93</sup>Attached to the bill, however, was a provision requiring the "citizens, at the regular elections in August, to state whether they are for 'general ticket,' or for 'district system.'" Niles' National Register, LX (1841), 173.

<sup>94</sup>William G. Brown, A History of Alabama (Tuscaloosa, 1900), 182.

<sup>95</sup>See Official Election Returns in Tuscaloosa Flag of the Union, June 2, 1841.

<sup>96</sup>Niles' National Register, LXI (1841), 39.

Meanwhile, Hilliard had conferred with his friend, William C. Preston, about an appointment to a foreign diplomatic post, preferably the mission to Belgium. Encouraged by Preston, Hilliard visited Washington in June to investigate the matter. When he arrived he noted signs of anarchy in the Whig party. Following Harrison's death, Clay, the real head of the Whigs, disclosed his purpose to force Tyler to carry out the measures which the Kentucky Senator had dictated in Congress.<sup>97</sup> But Tyler was equally firm in refusing to yield to Clay; and thus a serious impasse resulted. By June, the crisis had reached such a point that Preston told Hilliard "that the Whig party, as represented in Congress, was about to go to pieces."<sup>98</sup> Under such circumstances Hilliard knew that if he were to get an appointment, action must be taken at once. Thus he called on Secretary of State Webster and Tyler. Both the Secretary and the President suggested to Hilliard that he accept a mission to Portugal which was then vacant. Since Hilliard, however, was interested primarily in Belgium,

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<sup>97</sup>The specific measures which Clay was battling for were the "tariff reform, land sales distribution and especially, a Bank." Glyndon G. Van Deusen, The Life of Henry Clay (Boston, 1937), 344.

<sup>98</sup>Hilliard, Politics and Pen Pictures, 25.

Tyler promised him that he would be sent to that post as soon as a vacancy occurred.<sup>99</sup> With this promise, Hilliard returned to Montgomery and renewed his law practice which, he observed, "was remunerative."<sup>100</sup>

In December Hilliard was offered the appointment to the mission to Holland. But again he declined. Finally in May, 1842, his appointment as Charge d'Affaires to Belgium was confirmed by the Senate.<sup>101</sup> Despite the fact that Hilliard devoted approximately one fifth of his book, Politics and Pen Pictures, to his stay in Belgium, this two-year mission is important to the rhetorical critic only insofar as it conditioned his character and contributed to his political prestige. With respect to the mission, two points stand out as being important. First, it enabled Hilliard to widen appreciably his political and social contacts; secondly, it contributed significantly to the enlargement of his educational and cultural background. These factors had their effect upon Hilliard's political oratory.

On his way to Belgium Hilliard stopped at Washington and once again called upon Webster and Tyler.

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<sup>99</sup> Ibid., 26.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

These early meetings with Webster represent the initial stage of the development of a friendship which later played an important part in Hilliard's political career. Furthermore, Preston introduced Hilliard at this time to the scholarly and eloquent British Diplomat, Lord Ashburton and to the stately Mrs. Dolly Madison. Moreover, upon arriving in London, he met the American Ambassador to the Court of St. James, Edward Everett. Through the years that followed, this early friendship was used as a basis for drawing Hilliard and Everett closer together. In addition to these contacts with high American officials, Hilliard, during the next two years, often dined with the royalty of leading European countries. At various diplomatic functions he met and conversed freely with the Kings and Queens of Belgium, Prussia, and France. For a person of Hilliard's temperament, these associations with the elite of European Society made a profound and lasting impression.

Of equal importance to Hilliard was the educational and cultural training which he received while in Europe. During his short stay in England, for example, he attended the House of Lords to hear one of his favorite orators--Lord Brougham--speak. To satisfy his interest in history he visited the celebrated historical spots on the European continent. More important to him, however, was the fact

that he had the opportunity to study at close hand the part which America played in foreign affairs. Because of this first-hand knowledge which he obtained, he later became Chairman of the Foreign Relations Committee in the House of Representatives. In view of these experiences it seems only natural that he would maintain strong faith in the Union throughout his public career.<sup>102</sup>

When Hilliard returned to America from Belgium in the fall of 1844, he was ready to begin the second phase of his political career. He had gone far since his entrance into politics in 1838. Virtually unknown when he wrote his "Junius Brutus" letters in 1838, within two years he was hailed as one of the leading political figures and orators in the state of Alabama. Interference by the state legislature had prevented his election to Congress in 1841. But his efforts for the Whig party did not go unnoticed; consequently, he was rewarded with the appointment to the ministership of Belgium. Thus, in 1845, Hilliard carried with him to the Alabama platform, not only a state but a national reputation. This factor, as will be noted later, materially aided the speaker's ethical appeal.

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<sup>102</sup>For an account of Hilliard's Belgium mission, see ibid., 23-114.

## CHAPTER VI

### A SOUTHERN WHIG'S FIRST TERM IN CONGRESS: 1845 - 1847

The Whigs of Montgomery District were jubilant when they heard that Hilliard had resigned his diplomatic post in Belgium in August, 1844. They had hoped he would return home in time to participate in the closing weeks of the presidential campaign of 1844, and to lay the groundwork for his possible nomination for Congress in 1845. When he finally reached Montgomery in the early part of October, 1844, he was greeted with a rousing ovation.<sup>1</sup> A special platform was built, and a procession planned for the occasion. At 10 o'clock "a stamping and shouting and hurrahing" crowd assembled at the speaker's stand.<sup>2</sup> Obviously pleased to be home again, Hilliard said in part:

Fellow Citizens - I am with you once again. . . . Like Antacus, I gather strength as I touch my own, my native land. No wonder the pilgrim of every clime turns his face hitherward, as to the sacred shrine. It is sacred, for liberty is here, toleration is here, the means of an honest livelihood are here, the path of a noble career. No sooner does the

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<sup>1</sup> Warfield Creath Richardson, "Hilliard and Yancey or the Funeral at Mount Meigs," Montgomery Advertiser, June 28, 1909.

<sup>2</sup> Ibid. Richardson was present on the occasion.

victim of foreign oppression touch these shores than the shackles fall from his limbs, and he walks forth the peer of kings. There are no gyves here, no knouts, no wheel of torture to compel him to forego his rights of citizenship or forswear his religion. His privileges are unchallenged, the ballot is freely accorded him. He cannot be taxed without representation, he cannot be convicted without a fair trial.<sup>3</sup>

This speech is important for it shows that Hilliard's early unionist tendencies had been strengthened by his stay abroad. Impressed by America's liberty and strength, he found it hard to maintain sectional views. He had supported Harrison as a national candidate in 1840. So, too, would he support Clay, notwithstanding the fact that Tyler had denounced him as an enemy of the South.<sup>4</sup>

Perhaps the most important question in the presidential contest of 1844 was the annexation of Texas. When Tyler submitted a treaty of annexation to the Senate, the presidential aspirants--Van Buren and Clay--knew that they had to take a stand on the controversial issue. Clay spoke first. While making a triumphant tour throughout the South he went on record as opposing the annexation. These views, expressed in the now famous Raleigh letter,<sup>5</sup> immediately

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<sup>3</sup>Ibid.

<sup>4</sup>When Hilliard stopped at the White House on his return from Belgium, Tyler criticized Clay for his opposition to the annexation of Texas. Among other things, said Tyler, this treaty was essential to the welfare of the South. Hilliard, Politics and Pen Pictures, 115.

<sup>5</sup>Washington National Intelligencer, April 27, 1844.

brought the slavery issue into politics. Despite the fact that the letter had been approved by the majority of Whig members in Congress, it was destined to place Clay in a difficult position, especially in the South. Nevertheless the Whig Senators gave their full support to Clay and voted against the adoption of Tyler's treaty in June 1844.<sup>6</sup>

Meanwhile Van Buren took a similar position,<sup>7</sup> a fact which cost him the nomination. The Democrats nominated, instead, James K. Polk on a platform advocating the reannexation of Texas, and started their campaign in the South on this issue.<sup>8</sup> As a result a surprisingly large number of Whigs gave their support to Polk. Clay tried to improve his position by writing a series of letters modifying his original statement, but he could not go far enough to appease the determined annexationists.

Although in Belgium during the early stages of the controversy, Hilliard watched the development of the Texas question closely. From time to time the Belgian foreign minister called upon Hilliard to ascertain the American

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<sup>6</sup>Cole, History of the Whig Party in the South, 111.

<sup>7</sup>Van Buren's letter appears in Niles' National Register, LXVI (1844), 153.

<sup>8</sup>Cole, History of the Whig Party in the South, 112.

position, and to get advice on the problem of formal Belgian recognition of the new republic of Texas. When asked during one of these conversations about the possibility of annexation of Texas to the United States, Hilliard replied that "at no distant day the annexation must take place."<sup>9</sup> He then added that it seems strange "that Mexico should so warmly oppose the wish of Texas to annex herself to the United States when it was an admitted fact that the territory could never be re-conquered by Mexico."<sup>10</sup> When the Belgian minister then inquired the guarantees Mexico would have against future encroachments upon her boundaries by the United States, Hilliard expressed the view that "we might content ourselves there without seeking to go further South."<sup>11</sup>

In taking this stand Hilliard placed himself in opposition to Clay on the crucial Texas question. But the issue was not enough to cause him, like Tyler, to abandon the Whig cause. "As a Whig, I regarded his [Clay's] success in the canvass as essential to the good

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<sup>9</sup>Henry W. Hilliard to John C. Calhoun, Brussels, August 1, 1844. General Records of the Department of the State Record Group 59, Diplomatic Dispatches, Belgium, Vol. 2, June 23, 1842-September 23, 1844. National Archives and Records Service, General Services Administration, Washington, 1952.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid.

government of the country, and I would never abandon the standard of a party so wise in its policy and so patriotic in its traditions and its objects."<sup>12</sup>

Upon his arrival in Montgomery, Hilliard was impressed with the enthusiasm displayed in the contest. "It was so American," he observed, "that I entered it with all my heart."<sup>13</sup> Some time in October the Whigs held a great mass meeting in Montgomery. Leaders from all over Alabama and neighboring states attended. Among those present was Alexander H. Stephens, a young Whig from Georgia, who had recently been elected to Congress. Describing the event, a reporter for the Mobile Advertiser said:

For twenty-five years I have been in the habit of attending political meetings in different parts of Alabama. I have read many accounts of the great assemblages of the Whigs in other States in 1840 and 44, but nothing in point of numbers, in this State, have I ever witnessed; nothing like the enthusiasm have I seen here, or read of elsewhere.<sup>14</sup>

To Hilliard had been given the honor of welcoming the guests to the convention. His speech, said one writer, was "mild, chaste, beautiful and effective. . . ."<sup>15</sup> Years later

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<sup>12</sup> Hilliard, Politics and Pen Pictures, 116.

<sup>13</sup> Ibid., 117.

<sup>14</sup> Mobile Advertiser, quoted in Huntsville Southern Advocate, November 8, 1844.

<sup>15</sup> Ibid.

another contemporary, in recalling Hilliard's performances on this occasion, observed that the applause of the audience

as he rose to speak, rent the air and shook the solid foundations beneath him. He had a great audience and a great theme. Never did a speaker more fully appreciate the grandeur and more triumphantly meet the demands of such an occasion. That speech made Hilliard the idol of his party at home and gave him an enviable reputation throughout the union. Seated on the platform behind him was Georgia's favorite son, Alexander Stephens, who led the multitude in applause of the magnificent effort, and predicted for the orator a fame as enduring as the golden truths he had uttered.<sup>16</sup>

On election day, the voters of the nation gave Polk a narrow victory. While the margin was close in the country as a whole, Polk won a decisive majority of 11,207 votes in Alabama.<sup>17</sup> Thus, the people of Alabama, as in Mississippi and other Southern states, had made it clear that they wanted Texas to be incorporated into the Union.

Disheartened by the defeat of Clay, the Alabama Whigs began to focus their attention on the congressional campaign in 1845. They hoped to regain some of the ground which they had lost under the general ticket system of 1841. At their state convention held in the spring of 1845,

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<sup>16</sup>Atlanta Daily Journal, December 19, 1892.

<sup>17</sup>Niles' National Register, LXVII (1844), 242. This was double the majority which Van Buren had received in 1840.

Hilliard was chosen as the candidate for the Second Congressional District. His opponent was John Cochran of Eufaula, in the county of Barbour. That Hilliard did not take his rival lightly is evident from the following tribute which he paid to Cochran:

he was a man of about my own age, of fine person, magnetic, strong intellectuality, finely educated, a lawyer of prominence, an unrivaled stump speaker, of admirable temper, self-possessed to such a degree that it was impossible to disconcert him; his fund of anecdote equal to that of Mr. Stephens, and, to make him still more formidable, his manners endeared him to people of every class. Certainly a more formidable antagonist could not have been found in the district to contend with me in the canvass that was to decide the supremacy of the Whig or Democratic party in that great and important district.<sup>18</sup>

At the outset of the canvass Hilliard announced his appointments, and stated that this first address would be delivered in the town of Glennville. In making this announcement he challenged Cochran to meet him there in a joint discussion. A short while later, the two contestants, surrounded by a large concourse of people in Glennville, ascended the platform erected for the occasion, and engaged in a lively debate. Each speaker was allowed one and one half hours to present his case. Speaking first, Cochran attacked the overall policies of the Whig party,

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<sup>18</sup>Hilliard, Politics and Pen Pictures, 122.

and then praised the Democratic administrations for limiting the amount of government expenditures, and for making the annexation of Texas possible.

Amid strong applause Hilliard began his reply with an expression of appreciation for the "marked ability displayed by Mr. Cochran in the speech he had just delivered." Hilliard was quick to add, however, that he would not be misled by Cochran's attack on the Whig party which was designed to put "me on the defensive." He then contended that his purpose was not to defend the Whig Party or Henry Clay, but to discuss the policy of the Democrats, who passed over their leading men and selected an unknown, untried political figure to be their standard-bearer. Having won the election on the strength of one issue alone--the annexation of Texas--Polk, asserted Hilliard, entered the White House with "not a single laurel on his brow." Furthermore, he said, the annexation of Texas was not a Democratic triumph. Van Buren and Thomas Benton, for instance, opposed it, while a large number of Whigs favored it. Hilliard then reminded his audience that he had vigorously supported the measure during his stay in Belgium. Turning to the sub-treasury scheme, he observed that the policy of "separating the money affairs of the government from those of the people" had produced confusion in business. In conclusion he

appealed to the people of Alabama to help restore the Whigs to power so that the tendency of the Democratic party to encourage sectional strife would come to an end.<sup>19</sup>

Following the meeting at Glennville, Hilliard and Cochran continued their joint discussion before large audiences throughout the district. Since both parties admitted that the outcome of the contest was uncertain,<sup>20</sup> Hilliard concentrated on the doubtful areas in the district during the closing weeks. One of the doubtful counties, Covington, had given to Clay a narrow ten vote majority in 1844. To increase that margin Hilliard at the close of his debates with Cochran, took a young friend with him and drove through Covington once more. The trip proved beneficial, for he increased the majority to one hundred and ten votes.<sup>21</sup> The importance of this trip can be further seen by the fact that Hilliard's majority in all the counties was less than two hundred. But, while Hilliard's margin of victory was close, his friends were gratified with the results. Out of seven Whig candidates for Congress, Hilliard alone was elected.<sup>22</sup> It marked the

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<sup>19</sup> Ibid., 123-124.

<sup>20</sup> The Huntsville Southern Advocate, August 15, 1845, said on the eve of the election: "Henry W. Hilliard, we fear is beat in the Montgomery district. . . ."

<sup>21</sup> Niles' National Register, LXVIII (1845), 400.

<sup>22</sup> Ibid.

first time, moreover, that a Whig had been sent to Congress from the Montgomery District.

Among the newly elected Southern representatives, who like Hilliard, entered the Twenty-ninth Congress in December 1845, were Robert Toombs of Georgia, and Jefferson Davis of Mississippi. Four other advocates of Southern Rights--William L. Yancey of Alabama, Howell Cobb and Alexander H. Stephens of Georgia, and Andrew Johnson of Tennessee--were beginning their second term. "Of more experienced colleagues in the House" in 1845, states Phillips, "there were of prominent Southerners only Jacob Thompson of Mississippi, R. Barnwell Rhett of South Carolina, and R. M. T. Hunter of Virginia, few in number and moderate in ability."<sup>23</sup> To counterbalance the influence of these Southern protagonists, Northerners in the House looked to John Quincy Adams, Joshua R. Giddings, Truman Smith, Preston King, David Wilmot, Robert Winthrop, and Stephen A. Douglas for guidance. Despite the fact that, according to Phillips, the "House was . . . . at this time a particularly good training ground for new Southern partisans,"<sup>24</sup> it is significant to note that

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<sup>23</sup>Ulrich B. Phillips, The Life of Robert Toombs (New York, 1913), 34-35.

<sup>24</sup>Ibid.

Hilliard from the beginning became friendly with some of the most partisan leaders of the North.

Hilliard began his congressional career in the midst of the period which fell between the Annexation struggle and the Wilmot proviso controversy; and he used this opportunity to show his preference for national rather than sectional interests. His maiden speech in the House was delivered on January 6, on the Oregon question. The issue was not new. Since 1826, Great Britain and the United States had quarrelled over the division of the Oregon territory. By 1840 the problem had become acute. Settlers in large numbers were moving westward to the Oregon plains. Once there they signed petitions requesting American occupation of the entire territory. Taking advantage of this popular agitation, the Democratic party inserted a plank in its platform of 1844 advocating the re-occupation of Oregon. The following year, Secretary of State James Buchanan, hoping to avoid war, suggested the forty-ninth parallel as a compromise line. But the British rejected this offer with an attitude of bitterness. As a result, the American proposition was withdrawn and negotiation was ended.

The situation was now serious. The prospect of war created great anxiety among congressional leaders and

the president's cabinet. Such cries as "Fifty-four forty or fight," and "All Oregon or none" could be heard throughout the country. Buchanan began to doubt the expediency of pressing the issue with Great Britain at a time when America's relations with Mexico were uncertain. Polk, however, wanted immediate action.<sup>25</sup> Consequently, in his first annual message, December 2, 1845, he declared that the United States held a title to the whole territory up to the Russian boundary. This claim, in effect, meant that the treaty of 1827 between Great Britain and the United States would be abrogated. Since a provision in the existing law, however, required that a year's notice be given to Great Britain before a termination of the treaty could take place, Polk urged Congress to give the notice at once.<sup>26</sup>

Congress stood behind the president during this

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25 James K. Polk, The Diary of James K. Polk, 4 vols. Milo M. Quaife, ed. (Chicago, 1910), I, 3. Hereafter cited as Diary of James K. Polk.

26 James K. Polk, "First Annual Message, December 2, 1845," in James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1908, 10 vols. (Washington, 1909), IV, 395. For a detailed history of the origin of the Oregon controversy see Garrison, Westward Extension, 161-171.

crisis despite the threat of war.<sup>27</sup> Bills and resolutions began to appear in both houses. The bill which finally became a basis for action on the subject was reported to the House by C. J. Ingersoll on January 5, 1846. It read as follows:

Resolved. . . That the President of the United States forthwith cause the notice to be given to the Government of Great Britain, that the Convention between the United States and Great Britain concerning the Territory of Oregon, of the sixth of August, 1827, signed at London, shall be annulled and abrogated twelve months after the expiration of the said term of notice, conformably to the second articles of the said Convention of the sixth of August, 1827.<sup>28</sup>

Near the end of the day's discussion on this resolution, Hilliard gained the floor and moved that the House adjourn. The motion was carried. This was a clever maneuver on Hilliard's part for it meant that he could speak first on the resolution the following day. Commenting on this maneuver and his anxiety about what was to be his first congressional speech, Hilliard said that it

afforded me the great advantage of a night's preparation for the coming ordeal. It was to be my

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<sup>27</sup> On December 23, Buchanan told Polk "that the next two weeks would decide the issue of peace or war." Diary of James K. Polk, I, 133.

<sup>28</sup> See John Quincy Adams, Memoirs of John Quincy Adams, 12 vols. (Philadelphia, 1877), XII, 230; Hilliard Speech on the Bill to Establish a Territorial Government in Oregon (Washington, 1846), 3.

first speech in Congress, the question was one of the highest interest and importance, some of the leading men of the House had already discussed it, and I felt that to me personally it was an ordeal such as I had not been subjected to before, and which must result in deciding my status and affecting my influence in public life.<sup>29</sup>

Though somewhat apprehensive about the effect of his maiden speech, Hilliard was confident that since he had recently served his country abroad, the members of the House would listen with interest to what he had to say on this important foreign policy question.

The issue, the audience, and the occasion presented a challenge to one who earnestly desired success in his first congressional oration. The seats were filled, and the gallery crowded. Just before Hilliard began to speak, Mrs. Madison entered the hall and was conducted to a seat in front of the Speaker's chair. Since it was one of her rare visits to either House, Hilliard was pleased to have her listen to his first speech.<sup>30</sup>

Hilliard's argument consisted of an analysis of three basic questions relating to the origin and importance of the Oregon controversy. First, he asked, Is America's title to all of the Oregon territory clear? Second, if the

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<sup>29</sup> Hilliard, Politics and Pen Pictures, 135.

<sup>30</sup> Ibid., 136.

title is clear, What is the wisest course to perfect America's claim? Third, What is the importance of Oregon to the United States? In the answers to these questions, thought Hilliard, lay the solution to the dangerous problem which was then threatening the peace of America.

Hilliard, like John Q. Adams on the preceding day, argued that America's title was indisputably clear. In the first place, he pointed out, the title which Spain originally held to the territory was valid despite the fact that Great Britain did not recognize it. Upon the strength of that Spanish title which the United States then owned, Hilliard based America's claim to Oregon. Apart from this Spanish title, the United States, moreover, had a title of her own. For it was an American citizen, Captain Gray, who discovered the mouth of the Columbia River, located in the heart of the Oregon territory. While it was true, stated Hilliard, that Gray was not at the time of the discovery on a mission for the United States Government, he was flying an American flag upon his vessel. Hilliard then contended that both Calhoun and Webster, while serving as Secretaries of State, regarded Gray's act as evidence of the validity of the present United States claim.

In an earlier speech Robert Winthrop of Massachusetts,

had warned the House not to be too hasty in claiming the Oregon territory on the basis of "musty records" then in the possession of America. To this admonition, Hilliard answered:

The gentleman talked slightly about musty records. I do not share in this feeling; I reverence musty records, and hold them as precious. With a musty record I can upturn the whole face of human society. With the musty record of Magna Charta in my hand, I can revolutionize the face of Europe, if permitted to present its principles to the minds of her population. I trust that if the dust of age and neglect should ever gather on the Sacred volume of our Constitution, and there be a descendent of mine on this floor, representing a Southern people as I do, he will be able to call up from that musty record a moral power potent enough to shield their liberties. . . . On the evidence contained in musty records, I found my belief that every inch of Oregon is ours.<sup>31</sup>

Because Hilliard considered the arguments supporting the United States claim to be incontrovertible, he next discussed the course which should be followed in order to perfect the title.

The answer to the fundamental question of how best to enforce America's title was to be found in immediate action. "Inactivity is no longer masterly," asserted Hilliard. If the question should remain open in its

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<sup>31</sup> Cong. Globe and Appendix, 29th Cong., 1st Sess., 112; the complete speech may also be found in Hilliard, Speeches and Addresses, pp. 51-77, and in Hilliard, Speech on the Bill to Establish a Territorial Government in Oregon.

present state, war appeared to be inevitable. Motivated by prejudices and protected by conflicting jurisdictions, the population of the two nations intermixing in the remote territory of Oregon would "at no distant day," contended Hilliard, "precipitate us into a war with Great Britain." But not only would a policy of inactivity lead to possible war, it would result in the loss of the territory altogether. To support this thesis, Hilliard pointed out that Britain, unlike other European countries, was adept at handling colonies. Actually she was utilizing all of her power and skill to establish herself permanently in Oregon. Thus, he declared:

If we refuse to protect the thousands of our own citizens who are, and the multitude more who soon will be, in Oregon, may they not conclude, as they are neglected by their own government, to throw off their allegiance, and go over to a government which never refuses and never forgets to protect its citizens in every part of the world? Their right to do so is a recognized principle of international law. If the government refuses its protection, citizens may throw off their allegiance, and transfer themselves to the jurisdiction of a government that will do its duty; or, they may determine to set up for themselves, and rear an independent and rival government. Under these circumstances, I am decidedly in favor of extending to them our laws and protection.<sup>32</sup>

Hilliard was in agreement, therefore, with the sentiment of Polk's annual address and the Ingersoll

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<sup>32</sup>Ibid., 113.

resolution. He argued that since the Oregon territory rightfully belonged to the United States, the government should assert that right at once. With respect to the method to be used in giving the notice to Great Britain, however, Hilliard disagreed with the recommendation in the resolution. Both Polk and Ingersoll had hoped that the notice would be given by a joint action of the two Houses. Since this power, according to Hilliard, did not belong to Congress, the resolution should be amended by "inserting a provision empowering the President of the United States to give such notice, when, in his opinion, the public welfare shall require it." Such power in the hands of the executive, thought Hilliard, was not only constitutional, but it would have a deterrent effect on the aggressive policy of Great Britain. In other words, he contended that when the leaders of England were aware that the president "is clothed with this power, they will be the more inclined to act with deference to him and to us." To those who might say that these recommendations would lead to war, Hilliard said:

Peaceful triumphs alone are those which I seek--the benign virtues of reason and truth. These I desire, and none other. If, however, while pursuing such a policy--a policy wise, vigorous, but conciliatory, war should come upon us, I trust the country will be prepared to meet it. If it should come upon us as a result of a moderate but firm assertion of our national rights, the response in every American

bosom must be, "Let it come."<sup>33</sup>

What is the importance of the Oregon territory to the United States? Hilliard next asked. First of all, he held it to be politically valuable because it would prevent Great Britain from "filling up the only break which now exists in that line of continuous fortification with which her energy and resources have encompassed the globe." Moreover, from a commercial standpoint, it would enable America to increase materially her trade with China and other countries of the East. In developing this argument Hilliard stressed the fact that the Oregon controversy was a national question. As such, any congressional action on the subject should be designed to promote the welfare of the Union. Hilliard paused at this point to indicate the direction in which his congressional policy in the future would follow:

In my course in this hall, I shall look alone to the national aggrandizement and the national glory; and I know well that in such a course the people I represent will sustain me. . . . I shall enter into no movement of a merely party character, nor shall I be found entering into a combination to elevate or to depress any section of the country at the expense of another. My political career may be short, and the accomplishment may fall far short of the purpose, but the conception of duty, at least, shall be glorious; and if an earnest effort to come up to it constitutes glory, then my career, long or

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<sup>33</sup> Ibid., 114.

short, shall be glorious.<sup>34</sup>

At the conclusion of his speech Hilliard offered the amendment--to which he had previously alluded--empowering the president to give the notice. Upon taking his seat he was at once surrounded by members of both sides of the House who had come forward to congratulate him on the effectiveness which he had displayed in his maiden address. When the group had dispersed, John Quincy Adams advanced toward Hilliard with one of his rare smiles and said: "I come to congratulate you, Sir; I think you have settled the question."<sup>35</sup> Two days later Cobb of Georgia, stated that while he could not consent to Hilliard's amendment he had "listened with delight" to his colleague's eloquent and instructive address in support of it.<sup>36</sup> Similarly, Niles' Register praised the "very impressive speech" delivered by "Mr. Hilliard, a young and talented representative, the only Whig from

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<sup>34</sup> Ibid.

<sup>35</sup> Hilliard, Politics and Pen Pictures, 143. That night Adams recorded in his diary that Hilliard had delivered "a very eloquent speech." Adams, Memoirs of John Q. Adams, XII, 233.

<sup>36</sup> Washington National Intelligencer, January 8, 1846.

Alabama."<sup>37</sup>

Much to the discomfiture of Polk, debate on the Oregon question continued for the next two months. During this time leaders of both parties in the House and in the Senate entered the discussion. On February 5, one month after the debate on Ingersoll's resolution began, a Washington correspondent for a Democratic newspaper in Alabama sent word that the speeches of Hilliard and Yancey "on the Oregon question are acknowledged among the best delivered upon the subject. They are both eloquent and able, and Alabama may well be proud of representatives who can thus speak."<sup>38</sup> In April the issue was finally settled when the Senate adopted an amendment similar to that which had been proposed by Hilliard.<sup>39</sup>

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<sup>37</sup> Niles' National Register, LXIX, (1846), 289. The appreciation with which Hilliard's speech and policy had come to be viewed by the public is indicated in the following statement which appears in Hilliard's memoirs. "From eminent men throughout the country, and from the press of both parties I received expressions of approval of my course in regard to a great national question involving the rights, the honor, and the peace of the country, which greatly cheered me upon my entering upon my service in Congress." Politics and Pen Pictures, 143.

<sup>38</sup> Unidentified newspaper clipping, Yancey's scrap-book, William L. Yancey Papers, Alabama State Department of Archives and History, Montgomery, Alabama. It can be assumed that the clipping is from a Democratic newspaper since the writer referred to Hilliard as one who "is opposed to us in politics."

<sup>39</sup> Although opposed to the amendment Polk signed the amended resolution on April 27, and issued the notice immediately. Diary of James K. Polk, I, 360.

Hilliard's next public expression was an impromptu speech in defense of Daniel Webster. The occasion for the remarks, April 9, 1846, was the resolution calling for an investigation of the Secret Service Fund expenditures which were made during Webster's term as Secretary of State. Hilliard contended that while he was not opposed to the resolution, he deprecated the actions of those leaders who were attempting to undermine the character of a distinguished public servant. "Without pretending to say that. . . . Webster was without his faults," he "made an eloquent appeal in his favor as a statesman of high standing."<sup>40</sup>

On the following day Yancey chided Hilliard for stating that he would never make an attempt to track down a great public man. Alluding to the campaign of 1840, he said: "Now, I would ask of my colleague whether I did not hear him, in the Presidential election of 1840, retailing to the people of Alabama the vile slang of Ogleism."<sup>41</sup> When Yancey then criticized those who undertook to defend the former Secretary of State, Hilliard replied that the most eminent persons in Europe regard Webster as second

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<sup>40</sup> Niles' National Register, LXX (1846), 81.

<sup>41</sup> Cong. Globe, 29th Cong., 1st. Sess., 651. Washington National Intelligencer, April 11, 1846.

only to Washington. Apparently a large number of the members of the House did not concur with this view, for loud hisses could be heard throughout the hall.<sup>42</sup>

The remarks of Hilliard and Yancey on the Webster resolution are important when viewed against the background of Alabama politics. Yancey's reference to the 1840 campaign, for instance, adds to our knowledge of Hilliard's speaking technique in that canvass. Of more importance, however, is the fact that Hilliard's first in a series of defenses of Daniel Webster, later proved to be anathema for secessionist leaders in Alabama.

Hilliard's third speech in the House, delivered July 16, 1846, was on the question of paying troops to be employed against Mexico.<sup>43</sup> He argued that Mexico should be forced to pay her just debts, and that Texas should be annexed to the Union. He urged the House to press the war with vigor, but warned that America must not insist upon "harsh terms" in negotiating a treaty.<sup>44</sup> The

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<sup>42</sup> Niles' National Register, LXX (1846), 81. For an account of the conversations that took place between Hilliard and Yancey and between Hilliard and Webster at the close of the debate, see Hilliard, Politics and Pen Pictures, 158, 160-161.

<sup>43</sup> For a detailed account of the appropriations contained in this bill, see Washington National Intelligencer, July 17, 1846.

<sup>44</sup> Cong. Globe, 29th Cong., 1st. Sess., 1107.

speech, confined as it was to generalities, placed Hilliard in opposition to those Whigs who did not desire to prosecute further the war. That he was by no means disregarding the Whig position altogether, however, is shown by the following statement: "It was undoubtedly our duty, as well as right to enforce the payment of what has been solemnly acknowledged to be our due; but this would not of course have led to war."<sup>45</sup> Later, in speaking of Texas, he said that if Clay had been elected to the Presidency, "Texas would have been annexed without the shedding of a drop of blood."<sup>46</sup>

In the following winter Hilliard made another and more extensive speech on Mexican relations. The tenor of this address showed that the provocation of the Wilmot proviso<sup>47</sup> was in danger of breaking down his resolution to

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid. The Washington National Intelligencer, July 17, 1846, described the speech as "very calm and moderate."

<sup>47</sup> When Polk asked the Congress in August for two million dollars for the purpose of settling our difficulties with Mexico, David Wilmot, a Democratic representative from Pennsylvania, offered an amendment to the two million bill which provided that slavery should be prohibited in all the territory to be acquired from Mexico. See Cong. Globe, 29th Cong., 1st. Sess., 1217. The proviso received a majority of nineteen in the House, but failed in the Senate, as did likewise the original bill. Early in January, Preston King of New York, introduced a similar anti-proviso bill.

refrain from sectional courses. In opposing the measure he reviewed the history of the Mexican War, and showed by means of documents that "from the very commencement of these hostilities with Mexico, the permanent acquisition of vast territorial possessions was distinctly in the view of the Administration."<sup>48</sup> Hilliard then counselled the members of the House "against this rising lust of dominion" which, if continued, would "prove fatal to our free institutions."<sup>49</sup> Of greater concern to Hilliard than the apparent wrong involved in extending America's boundaries through war, however, was the question of congressional attitude toward the newly acquired territory. In this connection he warned David Wilmot, Preston King, and other Northern congressmen that if the new territory were converted into free states only, the Union might be destroyed:

If this scheme of acquiring territory is persisted in, and the power of this Government is to be brought to bear upon it so as to exclude slavery from every part of it, it must be seen by all who have bestowed any reflection upon the history of the organization and progress of our political system, that the most serious, I may say disastrous, results will follow. This Union can only stand on those compromises which I regard in their sacred obligation as second only to the Constitution. The compromise

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<sup>48</sup> Cong. Globe and Appendix, 29th Cong., 2 Sess., 227.

<sup>49</sup> Ibid., 228.

which has already taken place on the Missouri question, was sufficiently disadvantageous to the South. The South does not interfere in the concerns of the North. A lofty feeling of brotherhood for the people of this whole country is cherished there. . . . Why is it, then, that no opportunity is lost to prescribe the South, to subject our internal policy to censure, and to direct against our institutions the sentiment of mankind, both at home and abroad? Gentlemen have transcended the rules which should govern them here; if they proceed, they will rend the bonds of this Union as Samson burst the withes that bound him.<sup>50</sup>

Hilliard then asserted that slavery, as an institution of the South, should not be discussed in Congress:

I ask, in the name of the Constitution, and of the men who formed our institutions as they exist, that this subject shall not be made here a theme for angry disputation. Let not gentlemen disturb the regular course of business in this body, by rising in their places, and meeting us with projects and speeches such as those to which we have listened. If this is to be done, this Government will become unequal, and its days will be numbered. The spirit still lingers in the South which produced our Revolution--a spirit which will contend for political rights to the very last. The people of those states love this Union; they glory in the past, and hope for the future. They will cling to the pillars of the Constitution as long as they can; they will listen to the parting words of Washington, still vibrating in their ears, as long as endurance is possible; but, when they find that they are to be down-trodden, they will be constrained, though it be with deep grief, to give up an alliance which is to be marked only by wrongs and oppressions, and gather about their homes and their property.<sup>51</sup>

This Congressional speech clearly shows Hilliard's

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<sup>50</sup> Ibid., 229.

<sup>51</sup> Ibid., 229.

knowledge of the mind of the South. It points up, moreover, the approach which he was to take in subsequent congressional speeches. He had built his political philosophy upon the principle that the Union must be preserved; and this, he felt, was possible only as long as a spirit of compromise prevailed between the North and the South. The compromise which marked the settling of the Missouri question, however, was threatened by the introduction of the antislavery proviso. Aware of the dangers inherent in such aggressive action, Hilliard was the first Whig in Congress to cry out against it.<sup>52</sup>

Hilliard delivered but one other speech during the second session of the Twenty-ninth Congress. It was a brief appeal, delivered March 3, 1847, encouraging the use of two United States ships for the purpose of carrying gifts to the potato famine victims of Ireland. Using as his theme the Biblical verse that "It is more blessed to give than to receive," Hilliard said in part:

Let us send our national ships to her shores; let the flag of the United States, as it floats in the breezes which fan the Irish coast, be hailed by that people as the ensign of hope and deliverance; and let the heart of Ireland receive the assurance that in America there is a sympathy with suffering ever ready to minister to and to

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<sup>52</sup>For reference that Hilliard was the first congressman to oppose the Wilmot Proviso, see Du Bois, The Life and Times of William L. Yancey, I, 205.

relieve the destitution of a brave and generous nation.<sup>53</sup>

A few weeks later Hilliard returned to Alabama to assess the reactions of his constituents with respect to the course which he had followed during his first term in Congress. To the people of Montgomery several points seemed clear. Hilliard's course, first of all, was not the usual passive participation which generally characterizes the initial efforts of a freshman in Congress. Nor was it in every respect that of a conventional Whig. From the beginning he had played a conspicuous role in the discussion of national and international problems. Scarcely had he taken his seat before he delivered a speech on Oregon which won for him praise from Congressional leaders and the press. His defense of Webster and his criticism of the war of conquest in Mexico were consistent with national Whig policies. Yet, when anti-slavery legislation was introduced in the House, he changed his role from nationalistic Whig to Southerner, from critic to partisan. Furthermore, in the summer of 1846, he went against his protectionist Whig friends and Clay's American system by voting with the Democrats for

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<sup>53</sup> Cong. Globe and Appendix, 29th. Cong., 2nd. Sess., 441.

lower tariff rates.<sup>54</sup>

The speeches and votes of Hilliard were endorsed by Alabama Whigs and Democrats alike. The Whigs of the Second Congressional District, assembling at Clayton in Barbour County on the 26th of May, "passed a resolution expressing entire confidence in the integrity, ability and patriotism of Mr. Hilliard. . . ."<sup>55</sup> A short time later the Democrats decided at their nominating convention that there was no need to oppose the Whig candidate. As a result, Hilliard for the only time in his career was elected to represent the people of his district without regard to party lines.

Despite the fact that he had no opposition, Hilliard planned to visit the different counties of the district in order "to interchange opinions upon important political questions."<sup>56</sup> Domestic difficulties, however, had called him from home during the months of May and June. Soon after his return to Montgomery in July, the Whigs held a barbecue in his honor at Mount Meigs. Here

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<sup>54</sup>The editor of a Democratic organ asserted that Hilliard was the only Whig in Congress who "voted against the repeal of the tariff of 1842. . . ." Montgomery Weekly Flag and Advertiser, June 4, 1847.

<sup>55</sup>Ibid.

<sup>56</sup>Hilliard to the voters of the Second Congressional District, Montgomery, July 13, 1847, Montgomery Tri-weekly Flag and Advertiser, July 15, 1847.

Hilliard gave his only campaign speech in the summer of 1847. An added attraction on this occasion was a speech by Yancey who had been invited to attend. This was probably the only time in his career that Yancey spoke before a friendly Whig audience. Warfield C. Richardson, an eyewitness of the meeting, gives the following graphic, but perhaps somewhat exaggerated, description of the event:

It was a gay cavalcade that left Montgomery on the 14th of July, 1847, to attend the Whig Barbecue at Mount Meigs. Roan horses, bay horses, clay banks, horses with curb, horses with snaffle, long-tailed horses, dock-tailed horses, stallions, mares, racers, constagas--anything that could neigh or whinny, was pressed into service. Buggies, surreys, phaetons, sulkies, wagons, carryalls--anything that could turn a wheel, pulled out from Montgomery. Riders with spurs, riders with whips, every eye distended, every muscle strained, eager to cover, in the shortest possible time, the intervening miles. Far as the eye could reach, the road was lined with vehicles. . . . Arrived at the village the men lost no time in hitching their nags to swinging limbs, and uncoupled the tired vehicles. A crowded church awaited them, and the newcomers were compelled to stand or find seats on door sills or window ledges as best they might.<sup>57</sup>

Hilliard was in a festive mood as he began his address: "To-day is to be a remission from care, a respite from duty. To-day is to be set apart for good cheer, for congratulations over the state of our common country, and

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<sup>57</sup>Richardson, "Hilliard and Yancey or the Funeral at Mount Meigs."

for proud reminiscences.<sup>58</sup> He then moved into the body of his speech in which he discussed, first, the action which the last congress had taken upon Oregon and the tariff, and second, the present status of the Mexican War. In opposing the protective principles of the tariffs of 1828 and 1842, Hilliard, who had deviated from Whig policies, expressed the belief that low duties would produce more revenue than high duties. With that view in mind he felt bound, he said, to vote for the tariff of 1846 notwithstanding the fact that other Whigs in Congress opposed it. Commenting on this portion of Hilliard's speech, the Flag and Advertiser said:

we were particularly pleased: He was frank even to boldness. . . in declaring his views on the Tariff question; and although there was no enthusiasm evinced by his Whig friends during the delivery of these views, still there was nothing that evinced disapprobation. To his opponents he was particularly courteous, and had a Democrat happened in, by accident, while Mr. Hilliard was engaged on the tariff question, he would, indeed, have felt as though he were in the presence of an eloquent free trade advocate.<sup>59</sup>

Hilliard next reviewed the history of American and Mexican relations. He contended, as he had done in Congress, that the idea of war was contrary to the principles of

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<sup>58</sup>Ibid.

<sup>59</sup>Montgomery Tri-Weekly Flag and Advertiser, July 17, 1847.

Democracy and to the sentiment of Christianity. Though opposed to war he believed, however, that since the United States was engaged in it there was no alternative than to press with vigor until victory was achieved. Hilliard then turned to a denunciation of the Wilmot proviso. If the principle of this antislavery legislation, he said, were forced upon the South, it would be better to abandon the Mexican territory than to risk the possible destruction of the Union.

There was nothing in Hilliard's speech thus far, observed the Flag and Advertiser, which might "grate upon the ear of any of his democratic auditors."<sup>60</sup> Nor did all of the democrats disapprove when he next defined his position on the presidential question. Declaring himself unqualifiedly for General Zachary Taylor, Hilliard gave the following reasons for his stand: Taylor had proved to be a skillful general and competent statesman; he would lessen executive corruption; and, he had demonstrated that he was a Whig. "Sink or swim, live or die, right or wrong," Hilliard then concluded, "I heartily support General Taylor for the Presidency."<sup>61</sup> This

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

overstrong statement--one of the most extreme partisan utterances which can be found in Hilliard's speeches--"seemed quite acceptable to the Whigs, who flung up their caps and rent the air with wild hurrahs. . . ."<sup>62</sup>

At the conclusion of Hilliard's "graceful and telling speech"<sup>63</sup> Yancey was called upon by members of both parties to give his views on the political questions of the day. Disclaiming any intent to be partisan, Yancey said:

I must be permitted to congratulate your late representative, Mr. Hilliard, whose wise and philanthropic statesmanship induced him to vote for. . . the tariff act of 1846. Unopposed as he is in the canvass for a seat in the next Congress, I can, without suspicion being entertained of my motives, sincerely congratulate him, that in that tremendous pressure which party made upon him, he had the nerves, the head and the heart, to throw himself for support upon the people of his district, the masses of his constituency--that in forgetting that he was a whig, he remembered that he was a southerner--that in doing violence to a party policy, he acted upon the principles of his early life--the principles of yesterday--of today, and I believe, and trust, of tomorrow.<sup>64</sup>

Yancey continued his praise of Hilliard with these words:

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<sup>62</sup>Richardson, "Hilliard and Yancey or the Funeral at Mount Meigs."

<sup>63</sup>Ibid.

<sup>64</sup>William L. Yancey, "Speech delivered July 14, 1847, at a barbecue given to Hon. H. W. Hilliard and the county candidates, at Mount Meigs," Yancey papers. Also see Montgomery Weekly Flag and Advertiser, July 22, 1847.

And, though my friend has forgotten to enumerate other instances of that high moral courage which made him dare do right, I cannot refrain from reminding him of a vote in which we united to oppose a corrupt and unconstitutional scheme for the expenditure of public money. . . . in which he, unfortunately, came in collision with a leading feature of the American system. I allude to the Harbor and River Bill--which was vetoed by Mr. Polk, whose veto we mutually sustained. . . . These are matters which reflect glory on the history of the whig party of Alabama

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<sup>65</sup>

At the close of his eulogy on Hilliard, Yancey defended Polk's conduct with respect to the Mexican War. Then noting Hilliard's praise of Taylor, he declared:

If the foul spirit of party which thus binds and divides and distracts the south can be broken, hail to him who shall do it! If he shall be, as I fondly hope, Zachary Taylor, honored by his name! But let not the whigs think or attempt to appropriate him as a partisan.<sup>66</sup>

Despite his promise to avoid partisanship, and notwithstanding his praise of Hilliard, Yancey actually delivered a Democratic speech at a Whig celebration. Moreover, he had spoken at such length that "the viands were scorched to a crisp." When Hilliard "with the grace of a prince--as he was. . . . silently arose and led the way to the tables. . . . a great many of the guests had sought their horses, and were already upon the road."<sup>67</sup> In two

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Richardson, "Hilliard and Yancey or the Funeral at Mount Meigs."

respects the meeting at Mount Meigs was unique in Alabama politics. First, the speech and the record of a national Whig had been praised by the opposition press as well as by an ardent Southern Democrat. Secondly, a Democrat had been allowed to deliver a lengthy, unscheduled partisan address at the "Gibraltar of Whiggery."<sup>68</sup>

Not content to think of politics alone during the period between his election in August and the convening of Congress in December, Hilliard renewed his interest in the church. He turned again to the pulpit for a rostrum, and delivered at least ten sermons in the protestant churches of Montgomery during the fall of 1847.<sup>69</sup> Perhaps, because it gave him an outlet for the expression of his deep-seated religious convictions, this type of speech-making appealed to Hilliard. At any rate, he rarely turned down an opportunity to fill the pulpit.

The period of Hilliard's first term in Congress was marked by numerous political and oratorical successes. Returning home from Belgium in the fall of 1844, he arrived too late to canvass the state for Clay; but he did make an impressive speech at a Whig convention in Montgomery.

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<sup>68</sup>This was the term used by the Whigs in referring to Mount Meigs.

<sup>69</sup>Dairy of Mathew P. Blue, Blue Papers.

In the congressional campaign which followed he defeated a strong candidate, and thus had the distinction of being the first Whig representative from his district, and, in addition, the only Whig to be elected from Alabama in 1845. Within a month after he had taken his seat in Congress he gained national recognition through his speech on the Oregon question. Three months later he endeared himself to the Whig leaders of the North by defending the public record of Webster.

National in his sentiments throughout the first session of the Twenty-ninth Congress, Hilliard suddenly was disturbed by the actions of those he interpreted to be less national minded than himself. Consequently, in his discussion of the Mexican War, he was forced by the advocates of the Wilmot proviso to turn from his role as national Whig to a defender of Southern Rights. This stand, along with Hilliard's vote on the tariff bill of 1846, so pleased the Democrats of Alabama that they endorsed his re-election to a second term in Congress. The one campaign speech which Hilliard delivered during the summer of 1847 was significant for the friendly meeting with Yancey and for his early endorsement of Zachary Taylor as a candidate for the presidency.

## CHAPTER VII

### SECOND TERM IN CONGRESS: 1848 - 1849

The two years embracing Hilliard's second term in Congress represent one of the most significant periods in ante-bellum history. Not since the days of the controversy over the Missouri question in 1820 had so much sectional strife existed in the halls of Congress and throughout the Union. With the end of the Mexican War came the problem of disposition of newly acquired territory - a problem which precipitated the rise of the Southern movement. It was a difficult period for Hilliard, who, while possessing strong national propensities, could not forget that he was a Southerner. Moderate that he was, he tried to follow a middle course which might enable him to maintain the support of his constituents in Alabama, and, at the same time, make it possible for him to have friendly relations with Whig leaders of the North.

Hilliard's speaking during the first session of the Thirtieth Congress dealt with three types of subjects: non-partisan domestic and foreign policy matters; the policies of the administration with respect to the Mexican War; and the candidacy of General Taylor for president. In discussing these issues Hilliard spoke not only in

Congress and in Alabama, but also in Philadelphia and in Boston.

Hilliard's status in the House allowed him to speak with authority on several important non-partisan questions. When he entered Congress in 1845 he brought with him a reputation for scholarship and dignity. His three years as a professor of Literature at the University of Alabama, for example, had not gone unnoticed by his colleagues. Nor had his successful mission to Belgium. These experiences, combined with his early political successes in Alabama and in Congress, gave to Hilliard a personal appeal which impressed his contemporaries. Thus, in the spring of 1846, he was appointed as one of the three members of Congress who were to be regents to the newly organized Smithsonian Institution. This office, held by Hilliard throughout his congressional career, was doubtless a tribute to his literary attainments. In view of his firsthand knowledge of European affairs, and his eloquent speech on Oregon, it seemed only natural, furthermore, that he should serve as a member of the Foreign Relations Committee. By the spring of 1848, he was Chairman pro tem of that Committee. In brief, Hilliard held a position of importance in the Thirtieth Congress. Consequently, he received, for the most part, careful and sympathetic attention from his colleagues whenever he spoke on

the Smithsonian Institution or on international problems.

Shortly after the new Congress convened in December, 1847, Hilliard took advantage of the temporary lull which preceded the stormy debates on sectional issues by delivering a short, but pointed speech on the Smithsonian Institution.<sup>1</sup> On the surface it was an expository address giving the history, purpose, and nature of the Institution. Actually, however, the real purpose of the remarks was to change the views of those who honestly felt that the regents had followed a policy of extravagance and utilitarianism. Throughout the speech Hilliard entrenched himself behind statistics, testimony, and analogies to show that the regents had fulfilled their trust. Satisfied that these facts would speak for themselves, he then appealed to Congress for protection, saying that he hoped "this institution, so important to this country and to mankind, will not be launched on the ever-heaving sea of politics."<sup>2</sup> The appreciation with which the brief speech was received is noted in Hilliard's closing statement: "I thank the House for the attention

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<sup>1</sup>In December, 1847, Hilliard was "the only member of the Board of Regents of the Smithsonian Institution. . . entitled to a seat" on the floor of Congress. Cong. Globe, 30th Cong., 1st. Sess., 47.

<sup>2</sup>Ibid., 48.

with which they have heard these remarks; it evinces the interest which they feel in an institution which claims their protection."<sup>3</sup>

The occasion for Hilliard's next non-partisan address was the question of sending a mission to Rome for the purpose of opening diplomatic intercourse with the Papal States. In favoring the measure Hilliard made a brief, but strong plea, March 4, 1848, for a policy of religious toleration. He viewed the new Pope "as a reformer" whose influence, if aided by the United States, would reach out and inspire the peoples of Europe and the rest of the world.<sup>4</sup> But Hilliard was too Protestant to allow his audience to think that he was a "partisan of the Pope." "There breathes not a man," said he, "whose sympathy with the Protestant cause beats stronger or quicker than my own. I can never forget its battles nor its victories, its persecutions nor its triumphs."<sup>5</sup> His true loyalty established, he next pointed out that to bring the Papal See "into open intercourse with a free Protestant nation" would enable "civil and religious liberty. . . to

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<sup>3</sup>Ibid.

<sup>4</sup>Ibid., 430.

<sup>5</sup>Ibid.

achieve new triumphs.<sup>6</sup> The speech, delivered at a time when anti-Catholicism was gaining strength in America, shows the spirit of tolerance which Hilliard so often demonstrated in Congress.

Hilliard's interest in foreign relations can be further seen by his speech on the French Revolution, delivered April 3, 1843. In this address he placed himself firmly behind those French people who were seeking to establish a republican form of government. Speaking with conviction and force he said:

I should feel myself unworthy of a seat in an American Congress, if I could refuse to cheer a people engaged in such a work. May they go on and prosper, and may they erect upon the soil of France a government resting upon the great principles of constitutional law, ensuring order at home, commanding respect abroad, and throwing over Europe the clear and steady light of rational liberty.<sup>7</sup>

An event occurred during the period between Hilliard's two brief foreign policy addresses which unified the members of Congress. On the twenty-first of February, John Quincy Adams was stricken in the House. Two days later, Adams--irascible to the end--was dead. As a tribute to his long and faithful service to his country, a group of congressional leaders--one from each State--

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<sup>6</sup>Ibid.

<sup>7</sup>Ibid., 573.

were asked to accompany the body to Quincy, Massachusetts. Hilliard was chosen to represent Alabama. Pleased by this choice, Hilliard could not have been surprised; for from the time of the Oregon speech to the day of the death "Adams honored" him "with his friendship, and extended to" him "marks of interest and consideration."<sup>8</sup> Further proof of this close relationship is given by Hilliard in his description of the events leading up to Adams' death:

The clerk was proceeding to call the roll when I rose from my seat and walked to the desk of Mr. Adams to pay my respect to him; I had just returned from a visit to Alabama, where I had been called to argue a cause before the Supreme Court, at Montgomery, and my relations with Mr. Adams made it proper that on the first day I entered the House after my return I should call and speak to him.<sup>9</sup>

At the close of the funeral services two weeks later, a public dinner was held in Boston in honor of the congressional committee.<sup>10</sup> Among the guests present was Harrison Gray Otis, who had for years been in retirement. During the course of the evening, Otis delivered an address in which he paid an eloquent tribute to the state of Alabama and to the unionist sentiments of the Whig congressman from that Southern state. To single out Hilliard for

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<sup>8</sup> Hilliard, Politics and Pen Pictures, 143.

<sup>9</sup> Ibid., 183.

<sup>10</sup> Boston Evening Transcript, March 14, 1848. "There were," states the Transcript, "about two hundred gentlemen" present.

special praise before such a distinguished gathering in the historic city of Boston was to play to his weakness. For few men loved applause and recognition from the great more than he. Thus, while Otis spoke, Hilliard champed at the bit waiting for a chance to respond. Finally, the opportunity came. "I should be insensible to generous emotions," he said in rising from his seat, "if I could remain silent after the allusion which has been made to the state of which I am the only representative. . . ."<sup>11</sup> Then fastening his eyes on Otis, he said:

If there were nothing else to make this evening remarkable - if we could forget that every state of the Union has her representative here - if we could forget the dignified character of that national mission which assembles us in this city - if we could overlook the number of other distinguished persons who are here this evening, the presence of that gentleman alone would impart to it a peculiar interest.<sup>12</sup>

With a feeling of pride Hilliard next turned to the reference to unionism which Otis had made concerning Alabama:

It is quite true, Mr. President, that I am strongly attached to the Union; my sentiments are not misunderstood by the gentleman who has done me the honor to refer to them; and I know, sir, that the people of Alabama are faithful to the Union. A more patriotic people cannot be found anywhere:

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<sup>11</sup> "Massachusetts and the Union," Hilliard, Speeches and Addresses, 343.

<sup>12</sup> Ibid.

they will stand by the government and the Constitution.<sup>13</sup>

But Hilliard knew that he could not stop here. He was a citizen of a slave state talking about unionism to an audience assembled in the heart of abolitionism. Those who were then within the range of his voice, moreover, knew that he had been the first to cry out against the Wilmot proviso in Congress. That action had to be defended. He thus declared:

With peculiar interests, it is but natural that they [the people of Alabama] should exhibit some sensibility in regard to the legislation of Congress, and the spirit manifested by other states; indeed, they must have lost all revolutionary recollections if they did not watch with jealousy the encroachments of the government, and demand from it ample protection for all their property and all their rights. They confide in the good faith of the people of the United States, and in the just action of the government, which, they trust, will never transcend the limits of the Constitution.<sup>14</sup>

More national in sentiment, the remaining portion of the speech was a eulogy on Massachusetts' place in history. Here, Hilliard traced the events and described the men that made Boston "the cradle of American liberty." But Massachusetts' loyalty to her country, Hilliard was careful to add, was not limited to the past: "At this

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<sup>13</sup> Ibid., 344.

<sup>14</sup> Ibid., 344-345.

moment her sons are engaged in the public councils, and are emulating the noble example set them by the men of that great generation which has almost passed away."<sup>15</sup> This gave Hilliard an opportunity once again to praise the contributions of his favorite Northern citizen,

Webster:

To one of them especially is the country indebted for services to the Union, and that country has conferred upon him the proudest title which an American citizen can wear - Defender Of The Constitution. His argument in defense of the Union, made some years since in the Senate of the United States, in reply to Mr. Hayne, of South Carolina, who, with all the ardor of frankness of his nature, spoke for the South, and uttered an indignant and vehement denunciation of the government, which seemed to be controlled by the policy of the North, ranks with the noblest orations of ancient or modern times.<sup>16</sup>

On the following day the Boston Advertiser praised Hilliard's "national" speech and observed that the tribute to Webster "called forth general sympathy."<sup>17</sup> Hilliard remained in Boston for two days. While there, he was invited to attend a dinner given by the scholar and historian, William H. Prescott. Returning to Washington several days later, Hilliard took with him the

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<sup>15</sup> Ibid., 346.

<sup>16</sup> Ibid., 346-347.

<sup>17</sup> Boston Advertiser, March 14, 1848. Hilliard observed that his speech was "well received." Politics and Pen Pictures, 187.

fond memories of a speech which had impressed his auditors, and of a dinner which had enabled him to meet some of the leading literary figures in the country. There seemed to be an affinity between Hilliard and the conservative leaders of Boston--an affinity which transcended geographical boundaries and ripened with time. The two often met during the next twelve years. And, significantly enough, on the eve of the Civil War, a Boston newspaper was able to say that the Hilliards of Alabama and the Hilliards of Massachusetts were as one.<sup>18</sup>

The second type of speech-making practiced by Hilliard during the first session of the Thirtieth Congress dealt with the policies of the administration relative to the Mexican War. Two major addresses were given on this subject in the spring and summer of 1848: "A Government for Oregon - Policy of the Administration," and "Review of the Policy of President Polk."<sup>19</sup> It was clear to those who heard these addresses that Hilliard was speaking both as a national Whig and as a Southerner.

The first of the speeches was delivered March 30,

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<sup>18</sup> Boston Daily Advertiser, October 26, 1860.

<sup>19</sup> These speeches appear in Hilliard, Speeches and Addresses, 128-150, 155-194; Cong. Globe, 30th. Cong., 1st. Sess., 565-567; Cong. Globe and Appendix, ibid., 938-943. The speech on the Oregon territorial government appears in Henry W. Hilliard, Speech on the Bill to Establish a Territorial Government in Oregon (Washington, 1848).

1848, during the discussion of the bill to establish a territorial government in Oregon. Hilliard declared at the outset that in the organization of territorial governments in Oregon, New Mexico, and Upper California, "the South will aim at no exclusive advantages, nor will it submit to unjust and humiliating restrictions."<sup>20</sup> Following this sectional reference, he pointed out that his discussion would not be limited to the pending bill before the House; rather it would include the methods used by Polk in conducting the war.

Hilliard's first indictment against the administration was that constitutional rights had been ignored. "The President, in ordering the army to a position on the Rio Grande," he declared, "clearly usurped powers not conferred on him by the Constitution."<sup>21</sup> It was the function of Congress rather than the executive, thought Hilliard, to decide questions of peace or war. He then maintained that while he had consistently voted for supplies in the past, he had no intention to follow a similar course in the future. The reason for this action, he added, was that

The war has been prosecuted throughout for the

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<sup>20</sup> Cong. Globe., 30th Cong., 1st. Sess., 565.

<sup>21</sup> Ibid.

purpose of securing New Mexico and California. There has not been a moment since its commencement when the Administration would have concluded a peace on any other terms. It was for this that General Taylor was ordered to advance beyond the Rio Grande after he had scattered the Mexican army in hopeless confusion, and to range his victorious troops along the Sierre Madre.<sup>22</sup>

Hilliard continued his strong Whig doctrine. He contended that much of the territory which the United States stood to gain through this "war of conquest" was of little value. New Mexico, he argued, was unsuited for agriculture, while California was "destitute for attractions for a people like our own."<sup>23</sup> Yet, despite these conditions, asserted Hilliard, the government was willing to spend an enormous sum of money, sacrifice 25,000 lives, and lose national character in order to gain territory which "might have been purchased for an inconsiderable sum."<sup>24</sup>

The remainder of the speech dealt with the prospects of the coming presidential election and the merits of General Taylor. Predicting the defeat of the administration, Hilliard declared:

The support which the popular sentiment of the country gives to General Taylor's noble position is

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<sup>22</sup> Ibid., 566.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

a cheering indication. It is full of promise for the future, and reminds us of earlier and better days. I believe that the people will bear him triumphantly into the Presidency. He will administer the government with a strict regard to the Constitution; he will call into his cabinet the ablest of his political friends; he will arrest the demoralizing practice of expelling good men from the subordinate offices to put ultra partisans in their place. . . . He will restore the great principles which belonged to the early republican Administrations, and will guide the country into a high career of prosperity and glory.<sup>25</sup>

This was doubtless the most partisan Whig speech which Hilliard had given since coming to Congress; and it can be explained, perhaps, by the fact that it was an election year. The address was well received, at least by the members of the Whig party. The National Intelligencer alluded to it as "a very animated speech."<sup>26</sup> The Washington printers, the Gideon brothers, moreover, published the discourse in pamphlet form.<sup>27</sup>

Hilliard's second major attack upon the administration came in July shortly before the armistice with Mexico was signed. On this occasion he presented an elaborate and detailed account of the past, present, and future of the country as seen in relation to the policies

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25 Ibid., 567.

26 Washington National Intelligencer, March 31, 1848.

27 Hilliard, Speech on the Bill to Establish a Territorial Government in Oregon.

of Polk. When the Democrats came into power, he charged, the United States was virtually free from debt. Furthermore, her relations with the whole world were peaceful. Within two years after his inauguration, however, Polk succeeded, charged Hilliard, in precipitating a controversy with Great Britain and a war with Mexico. This point was of particular significance to Hilliard, for he believed that the president had usurped powers which rightfully belonged to Congress. Against the danger of such action, he warned:

Give up to the President the power of making war; leave it to him to fix your boundaries, to back your negotiations with bayonets, to decide your questions with other nations by bringing up armies or fleets to aid the adjustment, and he will need no crown to make him royal; the very power with which you invest him makes him every inch a king.<sup>28</sup>

Hilliard was willing to admit that the United States was attacked first by the Mexicans. For that reason, he, though opposed to war, had voted supplies. But, he queried:

Where was the necessity of invasion after the brilliant victories of Palo Alto and Resaca de la Palma? When would the flying Mexicans have rallied and recrossed the Rio Grande? The very terror of Taylor's name would have driven them from the whole line of that stream.<sup>29</sup>

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28 Cong. Globe and Appendix, 30th. Cong., 1st. Sess., 939.

29 Ibid.

What effect have these aggressive policies had upon the present? Hilliard next asked. In answering this question he asserted that the country was now burdened with a heavy debt of one hundred and fifty million dollars. More important, however, was the fact that a formidable internal question had arisen. A movement had been started to organize the new territories along geographical lines which favored a particular section. In discussing this point, Hilliard shifted his position considerably from that of national Whig to a Southern sectionalist. He denounced those agitators "who employ all their energies in alienating the North from the South, and who seek, by every means within their power, to inflame the popular mind of every other portion of the Union against the people of the slave holding States."<sup>30</sup>

Stressing the need for an appeal to patriotism, Hilliard next gave his views on the authority of Congress over the territories of the United States. Three propositions were presented: (1) Congress possesses exclusive power to legislate for the territories of the United States; (2) this exclusive power to legislate, however, is a limited one; and (3) the legislation should be for the good of the parties interested in the ownership of the

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<sup>30</sup> Ibid., 940.

territories. Through these arguments, Hilliard hoped to show that all of the states of the Union had an equal claim on the newly acquired property. These claims, he felt, could be adjusted through a compromise: "Let the interests of all the States of this Confederacy be regarded, and let us come right up to a line and adhere to it."<sup>31</sup> He then suggested as a solution, the extension of the Missouri Compromise line to the Pacific Ocean.<sup>32</sup>

As Hilliard completed his discussion of what should be done with the territories, he again attacked the Polk administration for its wreckless policies. Also as he concluded he once again assumed the role of national Whig, and actually campaigned for Taylor. He maintained that the Whigs should be elected in the coming campaign because they, unlike the Democrats, would uphold those principles which were essential to liberty. In short, it was Hilliard's belief that Taylor would resist the idea of too much executive power, and oppose needless war and conquest.

The two congressional speeches on the policies of the Polk administration represent only a small portion of Hilliard's efforts on behalf of the Whig party during 1848.

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<sup>31</sup>Ibid., 941.

<sup>32</sup>Ibid.; Hilliard had offered a similer solution in his discussion on the Wilmot proviso, January 5, 1847. Ibid., 29th. Cong., 2nd. Sess., 229.

At mammoth political rallies in Alabama and in Philadelphia, and at the national Whig convention, he vigorously championed the cause of Taylor.

In his July, 1847, speech at Mount Meigs, nearly one year before the presidential nominating conventions were to be held, Hilliard had made it clear that the future of the Whig party rested with Taylor rather than with Clay. Largely owing to the influence of Hilliard, support for the Mexican War hero had begun to crystallize in Alabama by January, 1848. During the month of January Hilliard returned home from Washington to address a Taylor meeting in the Montgomery district. In this speech, stated the Flag and Advertiser, he affirmed "that he was for Taylor for the purpose of putting down the Administration--to prevent the democracy from carrying out its policy."<sup>33</sup> Since Hilliard had been elected to a second term in Congress without opposition, the Advertiser regretted the spirit of "partyism" which now seemed to be prevalent among the Taylor supporters in Alabama.<sup>34</sup>

Hilliard was at this time closely associated with the grass roots movement for Taylor. Thus, on February

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<sup>33</sup>Montgomery Tri-Weekly Flag and Advertiser, February 1, 1848.

<sup>34</sup>Ibid.

22, he was invited to be one of the principal speakers at a Whig festival in Philadelphia in honor of Washington and Taylor. Speaking before an enthusiastic audience of fifteen hundred people,<sup>35</sup> Hilliard declared:

We need some man who is not simply a politician; some man cast in the noble mould; some man endeared to the American people by his services; some man who, on trying occasions, has displayed both courage and wisdom; some man whose public and private character are alike spotless, to vindicate the principles of the American government, and bring it back to its purer days and better days. In the order of Providence, such a man is presented to us now. That man is General Zachary Taylor [Great acclamation].<sup>36</sup>

He then reminded those who still wanted the nomination of Clay that they must sacrifice their personal preferences on the altar of a noble cause. For, while the Whigs could not hope to win with Clay, said Hilliard, "we fear no defeat" under Taylor's banner.

Hilliard was not alone in these sentiments. He was joined in Congress by such Southerners as Alexander Stephens and Robert Toombs of Georgia and a few Northerners including Truman Smith of Connecticut and Abraham Lincoln

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<sup>35</sup>Philadelphia Ledger and Transcript, February 23, 1848.

<sup>36</sup>"General Taylor's Claims to the Presidency," Hilliard, Speeches and Addresses, 334. A fairly complete account of the speech also appears in the Philadelphia Ledger and Transcript, February 23, 1848, and the North American, February 23, 1848.

of Illinois.<sup>37</sup> By the time the nomination convention met in June, the "Whigs of nearly all the southern states," observes Cole, "had. . . expressed their preferences for Taylor."<sup>38</sup> The Whigs had won a decisive victory with a military hero in 1840, and if that is what it would take to win again, they were willing to pass over their two great leaders--Clay and Webster.

In early June, about three hundred delegates arrived in Philadelphia to participate in the Whig National Convention. Chosen to be one of the representatives from Alabama, Hilliard arrived on the scene early,<sup>39</sup> and immediately began to work for Taylor. The delegates as a whole, according to Holman, were "rather mediocre" men who "belonged to the second order of politicians."<sup>40</sup> Included on Holman's list of the limited few who had abilities

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<sup>37</sup>One writer observes that the Southerners of this group "realized clearly the meaning and the consequences of the growing anti-slavery character of the northern section of their party. They sought, therefore, to safeguard the interests of their section by electing to the presidency, a southerner who, they believed, could be relied upon to check the progress of the anti-slavery movement, if necessary, by the exercise of the veto power. Fortune, it seemed, brought forward General Taylor just at the critical moment." Cole, A History of the Whig Party of the South, 127.

<sup>38</sup>Ibid., 128.

<sup>39</sup>In this connection Hilliard observed that he "was a guest of Josiah Randall, a distinguished statesman and an ardent Whig, whose hospitality was profuse and elegant." Politics and Pen Pictures, 195.

<sup>40</sup>Holman Hamilton, Zachary Taylor in the White House. (New York, 1951), 88.

"well above average," was the name of Hilliard.<sup>41</sup> During the convention Hilliard delivered at least two impromptu addresses. In the first he opposed his Alabama colleague, C. C. Langdon of Mobile, by asserting that if "one man represented the views of his state fully, he was in favor of letting that man be heard from his State."<sup>42</sup> The second speech was an argument against a resolution designed to prevent the claims of any candidate who was "not pledged to maintain and carry out the cardinal principles of the Whig party. . . ."<sup>43</sup>

In these two instances Hilliard was opposing moves made by Clay supporters to stop the trend toward Taylor. Soon, however, resistance to the Mexican War hero lessened, and it became evident to all that the Taylor bandwagon, moving slowly at first, would in time gain sufficient momentum to crush the hopes of Clay, Webster, and Scott. On the fourth ballot Taylor was elected by a sizeable majority.<sup>44</sup> It is significant to note that throughout the balloting not a single Southern vote went

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<sup>41</sup>Ibid.

<sup>42</sup>Washington National Intelligencer, June 10, 1848. Langdon, who was for years editor of the Mobile Advertiser, was the only Alabama delegate who favored Clay.

<sup>43</sup>Ibid., June 12, 1848. The resolution was doubtless aimed at Taylor.

<sup>44</sup>Taylor received 171 votes, Clay 32, Scott 63, and Webster 14. Ibid.

to a Northern man.<sup>45</sup> Of further significance is the fact that since Taylor had given no pledges,<sup>46</sup> the Whigs, as in previous campaigns, could not develop a concrete platform. Thus they were forced to go before the country without a detailed statement of policy.

Meanwhile the Democrats had held their convention in Baltimore in May. They found themselves, despite their four years of national rule, badly divided over the question of slavery. New York, in fact, sent two delegations: the "hunkers," loyal to the principles of the party, and the "Barnburners," opposed to slavery. Each delegation claimed the right to be seated. Since compromise could not be obtained, the "Barnburners" withdrew.<sup>47</sup> The Democrats, in the end, nominated Lewis Cass

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<sup>45</sup>See Proceedings of the Whig National Convention, *Ibid.*, June 10, 11, 12, 1848. Cole has pointed out that "Taylor's triumph in the convention was a southern Whig triumph." A History of the Whig Party in the South, 200.

<sup>46</sup>Taylor wrote in August, 1847: "if ever I occupy the white house, it must be by the spontaneous movement of the people, without any action of mine in relation to it; without pledges other than I have previously stated, a strict adherence to the provisions of the constitution, so that I could enter on the arduous and responsible duties appertaining to said office, untrammeled so that I could be the President of the country, and not of a party." Zachary Taylor to Joseph R. Ingersoll, Camp near Monterey, Mexico, August 3, 1847, quoted in Philadelphia Daily Ledger and Transcript, February 23, 1848.

<sup>47</sup>Dickey, Sargent S. Prentiss, Whig Orator of the Old South, 320.

of Michigan, who was a Northern man with Southern principles. Of Cass, who like Taylor was a military personage, Channing has said: "He had a great reputation in his day, although the reason for it is somewhat indistinct at the present time."<sup>48</sup>

For those who thought only in terms of opposition to slavery, neither Taylor, a slaveholder, nor Cass, a friend of the South, was a satisfactory candidate. As a result, this group, comprised largely of "Barnburners," "Conscience Whigs," and "Free Soil Democrats,"<sup>49</sup> rallied around the banner of Martin Van Buren who was now a free Soiler and an avowed opponent of Southern Democratic ideas.<sup>50</sup> While Van Buren could not hope to win, he had more than enough strength to split the Democratic vote, thus insuring a Taylor victory.

The slavery issue was further projected into the contest of 1848, when a small but powerful Democratic minority, led by the fire-eater Yancey, opposed the "squatter sovereignty doctrine" of Cass. As early as

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<sup>48</sup>Edward Channing, A History of the United States, 6 Vols., (New York, 1932), VI, 74.

<sup>49</sup>Dickey, Sargent S. Prentiss, Whig Orator of the Old South, 320.

<sup>50</sup>Channing, A History of the United States, VI, 74.

February in the State Convention in Alabama, Yancey had introduced a series of resolutions which became known as the "Alabama Platform." These resolutions, anticipating the division of the Democratic party in 1860, held the advanced view that the Federal Government was honor bound to protect slave property in the territories. The platform, moreover, instructed the Alabama delegates to refrain from voting for any candidate who favored the restriction of slavery.<sup>51</sup> At the National Democratic Convention in May, Yancey, who was a delegate, offered the Alabama resolutions; but they were rejected by a vote of 216 to 36.<sup>52</sup> For the next few weeks a heated struggle between the Yancey and the Benjamin F. Patrick wings of the Alabama Democratic party took place. The Patrick group held with Cass and later with Douglas that the doctrine of "squatter sovereignty" was sound.<sup>53</sup> Rebuked by the great majority of his party and by the Democratic press, Yancey nevertheless held firm, and refused to enter the contest in his state in support of Cass.<sup>54</sup>

When Congress adjourned in the late summer of 1848, Hilliard threw his energies into the contest in

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<sup>51</sup>Hodgson, Cradle of the Confederacy, 270-271.

<sup>52</sup>Ibid., 272.

<sup>53</sup>Ibid., 274.

<sup>54</sup>Denman, The Secession Movement in Alabama (Montgomery, 1933), 13.

Alabama and in Western Georgia. His speeches were constructed around two arguments: first, the war-like propensities of Cass, and, second, the misuse of the veto power by Polk. In almost every address, Hilliard accused Cass of wanting to fight England about Oregon, and of being, moreover, "the mainstay and supporter of the administration throughout the Mexican War. . . ."<sup>55</sup>

Hilliard's chief argument, however, was the subject of the veto power. He referred to it as the "one man power" which had been heretofore used in a manner which had proved detrimental to the interests of the people.<sup>56</sup> In essence, he said on this point during one of his campaign addresses:

What, cannot you be trusted with the making of your own laws? Do you not understand your own wants? You are intelligent free men, not ignorant slaves; you are the masters, and the Presidents are your servants; it is your business to make the laws, and the President's to execute them; it is not for you to ask him, but for him to ask you what laws are to be made! This is Taylor's doctrine. But the Democrats oppose this theory; they are in favor of the one man power--the kingly, arbitrary veto power. Why, if this system is to continue, you might as well abolish the two houses of Congress, and create the President dictator at once, if he is to decide on all occasions what laws are to be made. But we--the Whigs--oppose this; we are contending for the people against the arbitrary power of one man. . . .<sup>57</sup>

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<sup>55</sup> Columbus Times, quoted in Alabama State Gazette, September 21, 1848.

<sup>56</sup> Alabama State Gazette, September 26, 1848.

<sup>57</sup> Ibid.

Since these two arguments did not constitute a platform, Hilliard was at a loss to be explicit on the overall policy of the Whigs. Consequently, a reporter for the Columbus Times, after hearing Hilliard speak, concluded that the Constitution was the real Whig platform.<sup>58</sup>

Hilliard was sensitive to the charge that he was supporting a candidate who had made no commitments. In upholding Taylor and the Whig party on this essential point, he tried to draw a distinction between "principles" and "measures".<sup>59</sup> He contended that while every presidential candidate should entertain principles he should not be obligated, on the other hand, to state beforehand what particular measures or laws he should recommend. The State Gazette summarized Hilliard's views on this point as follows:

All Mr. Hilliard requires General Taylor to disclose in soliciting the votes of the people, is some such radical principle as that he is a "Jeffersonian Whig". . . . He positively declares that any man who will subscribe to any given platform of principles and pledge himself to be governed by them ought not to be trusted--that such a man, if tempted, would be the first to violate his obligations!<sup>60</sup>

It would appear that Hilliard, vainly trying to

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<sup>58</sup> Columbus Times, quoted in ibid., September 21, 1848.

<sup>59</sup> Ibid., September 26, 1848.

<sup>60</sup> Ibid.

defend Taylor's position, had drawn a distinction without a difference. He must have realized that there could never be a logical dichotomy of principles and measures. Yet, he had no real alternative. His plight was the plight of the Whigs who had chosen to place their trust in a military hero rather than in a platform. Despite the apparent specious nature of Hilliard's argument, it was effective; and those who accepted the above major premise would even more readily accept the conclusion. Cass, said Hilliard, had committed himself to a platform which meant nothing more than that there would be a repetition of the "old game"--another "northern man with southern feelings." Van Buren, too, had subscribed to a platform; and was called a "northern man with southern feelings;" but, exclaimed Hilliard, "where was he now?"<sup>61</sup>

The appreciation with which Hilliard's talents had come to be viewed at this time is indicated by the following statement from the Democratic organ, the Alabama State Gazette:

We accord at once and with pleasure to Mr. Hilliard's abilities as a speaker and an advocate, of an uncommon order; he is highly prepossessing in his style of delivery--chaste in his diction, and generally unexceptionally courteous in his treatment of the arguments of his opponents; and we consider the whigs much indebted to him for his labors in behalf of Taylorism, he being in our opinion not only

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<sup>61</sup>Ibid.

the strongest man in that party, in this district, but so far as our knowledge extends, in the State.<sup>62</sup> Hilliard had cause to be pleased with the result of the Alabama election in November. Despite the fact that Cass carried the state, his majority of 881 out of a total of 61,845 votes<sup>63</sup> could rightfully be interpreted as a moral victory for the Whigs.<sup>64</sup> The Washington Whig gave much of the credit for the reduced Democratic majority in Alabama to Hilliard.<sup>65</sup> Though these conclusions are doubtless true, it should not be overlooked that Yancey's neutrality had some influence on the result.

The victory of the Whigs in 1848 gave little comfort to the Southern ultras. Since nothing definite was known of Taylor's position on the slavery question, not even his closest friends could be sure what action he would take on the Wilmot proviso. When Congress convened in December, 1848, therefore, "the situation was ripe for agitation."<sup>66</sup> Within a few days after the session began

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<sup>62</sup> Ibid., September 25, 1848.

<sup>63</sup> Washington National Intelligencer, December 2, 1848.

<sup>64</sup> Polk's majority in 1844 in Alabama was more than 11,000. Ibid.

<sup>65</sup> Washington Whig, quoted in Montgomery Alabama Daily Journal, March 30, 1849. For a similar view see American Review, X (December, 1849), 619.

<sup>66</sup> Cole, History of the Whig Party in the South, 138.

the House passed a resolution instructing the committee on the District of Columbia to prepare a bill prohibiting slavery there. Following this action, the Southern movement, now well under way, became more assertive than ever.<sup>67</sup>

Southern members of Congress held a caucus on December 23, for the purpose of agreeing upon some measure which might protect the rights of the South. At this meeting a Committee of Fifteen, headed by Calhoun, was appointed to prepare an address to the people of the slaveholding states. The address, which occupies about twenty-three pages of Calhoun's works, exposed the attacks which had been made on Southern institutions, and pointed up the importance of preserving the union. It argued, particularly, that the North had violated the Constitution with respect to fugitive slaves. The address then followed with a history of the aggressions on Southern institutions attempted at the time of the Missouri Compromise. In alluding to contemporary events, it attacked the injustices of the Wilmot proviso and other anti-slavery measures.<sup>68</sup>

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<sup>67</sup> Ibid.

<sup>68</sup> For a copy of the complete address see the Washington Daily Union, January 28, 1849, and Richard Cralle, (ed.), Works of John C. Calhoun, 6 vols. (New York, 1855), VI, 290-313.

While Calhoun was writing the Southern address, a movement was crystallizing to change the orientation so that the address would be to the people of the United States. Conservative leaders felt that to direct the message to the South alone would have an inflammatory effect. Thus, when the reconstituted Committee of Fifteen met on January 18, Berrien of Georgia offered a substitute motion, making it an address to the people of the United States.<sup>69</sup>

At a general meeting held four days later, both addresses were read to the delegates. When the substitute motion was put to a vote a short while later, it was defeated by a margin of thirty-three to twenty-seven. Calhoun's address was then adopted.<sup>70</sup> While official accounts of the meeting show that Hilliard voted against the Southern address, they do not list his name among those who voted for the substitute motion. Hilliard

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<sup>69</sup>The sentiments and in some cases the language of the substitute address were strikingly similar to those which appeared in the original address. See Washington Daily Union, January 28, 1849.

<sup>70</sup>Niles' National Register, LXXV (1849), 84-88; Washington Daily Union, January 28, 1849. Cole has observed that "most of the Whigs. . . were against any address whatsoever, and by abstaining from voting permitted a motion to be lost which substituted for Calhoun's address the milder one of Berrien which was supported by the moderate Democrats and by those Whigs who favored an address." The Whig Party in the South, 140.

contended, however, that he "signed it promptly."<sup>71</sup> These addresses attracted considerable attention, and as might be expected, play a significant role in the congressional campaigns of 1849.<sup>72</sup>

In this period of sectional agitation, Hilliard journeyed to Boston to deliver a significant lecture to the Mercantile Library Association. The occasion was the Sixth Annual Course of Public Lectures sponsored by the Association. Speaking before a crowded house of thirteen hundred people, Hilliard discussed "the relation between the people and the government of the United States."<sup>73</sup>

<sup>71</sup> Hilliard, Politics and Pen Pictures, 200. "Judge Berrien states that from the beginning Mr. Hilliard coincided with him in his address cordially and fully, and sustained it throughout," Montgomery Alabama Daily Journal, May 23, 1849. In the same issue the Journal published the following letter written by A. W. Venable to Hilliard from Brownsville on May 10, 1849: "My Dear Sir:--Yours of the 21st April has been received, and I answer your interrogation with great pleasure. You did, on the morning after the final meeting of the Southern delegation, answer affirmatively to my question that you did vote for the address."

<sup>72</sup> Speaking of the Compromise Motion, the Washington Daily Union, January 28, 1849, said: "we cannot permit the occasion to pass without paying the tribute of our thanks to Mr. Berrien, of Georgia, and the very few Whigs who have cooperated in this movement. They manfully severed the fetters of party, and acted like men who had the honor of their constituents and the welfare of their country before them, and were not swayed alone by the narrow and shortsighted views of party expediency." Southerners as a whole, however, did not agree with this view; and thus a surprisingly large number of southern congressmen who failed to sign Calhoun's address went down to defeat in the congressional elections.

<sup>73</sup> Twenty-Ninth Annual Report of the Mercantile Library Association of Boston (Boston, 1849), 6.

Although there are seemingly no accounts of the speech, Du Bois reports that "it received the just encomiums of the leading opponents of Southern Rights" in Boston.<sup>74</sup> Of more importance than the speech itself, however, is the fact that Hilliard received the invitation. Others who presented lectures during this series included such eminent Northern political and literary figures as Webster, Oliver Wendell Holmes, Henry Ward Beecher, Ralph Waldo Emerson, Charles Sumner, and Rufus Choate.<sup>75</sup> Hilliard was the lone representative of the South. That he made this speech while his Southern colleagues were meeting in December is also important in light of subsequent events in Alabama. The Southern radicals accused him of conveniently going North during a great sectional crisis. What they apparently did not understand is that Hilliard played two roles, each consistent with the other. He was both a Southerner and a Unionist. And, if on occasion, he seemed to neglect the one for the other, he did so thinking that it was in the best interests of the country.

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<sup>74</sup> Du Bois, The Life and Times of William L. Yancey, I, 262.

<sup>75</sup> Twenty-Ninth Annual Report of the Mercantile Library Association of Boston.

As a guest of Nathan Appleton during his stay in Boston, Hilliard had an opportunity to widen his contacts with some of the leading men in the field of literature. He renewed his acquaintance, for example, with Prescott, and met for the first time Henry Wadsworth Longfellow and George Ticknor.<sup>76</sup> He heard a sermon, moreover, by the celebrated preacher, Theodore Parker. Returning to Washington, Hilliard read with pleasure the following account in the Whig concerning the Boston trip: "New England. . . . has put forth her claims to his [Hilliard's] friendship. . . . The 'Old Bay State'. . . . extended to him her bounteous hospitality."<sup>77</sup>

Hilliard gave but one major address during the short second session of the Thirtieth Congress. The speech, delivered on February 10, 1849, dealt with the subject of providing governments for the new territories acquired from Mexico. Convinced that the numerous bills which had been presented were inadequate, Hilliard came up with a plan of his own. Before outlining the plan,

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<sup>76</sup> Hilliard pointed out that the acquaintance which he formed with Longfellow on this occasion "ripened into a friendship which continued to the day of his death." Of Ticknor he said: "I formed a friendship that was never interrupted during his life." Hilliard, Politics and Pen Pictures, 201; 202-203.

<sup>77</sup> Washington Whig, quoted in Montgomery Alabama Daily Journal, March 30, 1849.

however, he told his colleagues: "I shall endeavor, so far as may be proper, to lose sight of my allegiance to party or section; I shall hope to treat it as a great American question."<sup>78</sup>

Moving into the body of his speech, Hilliard asserted two principles: first, Mexico should be paid the sum agreed upon by the treaty of May, 1848; and, secondly, a government should be provided for the inhabitants of the new territories. The bill which he then suggested as a solution to the problem was in the form of a compromise. It proposed to cut off from Texas all her territory north of thirty-six degrees and thirty minutes, and to leave California "in possession of its entire territory. . . ."<sup>79</sup> But, it should be noted, he was opposed to those--including his friend, Preston of South Carolina--who argued that California should come into the Union as a single state. What Hilliard was actually proposing was an extension of the thirty-six degrees and thirty-minute line to the Pacific Ocean. If such a plan were carried out, he observed, "the South would receive, of California only 145,234 square miles, of

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<sup>78</sup> Cong. Globe and Appendix, 30th Cong. 2nd. Sess., 103.

<sup>79</sup> Ibid., 105.

New Mexico 43,489 square miles: in all, 188,723 square miles." The North, on the other hand, would gain an excess "of some 200,000 square miles."<sup>80</sup>

Hilliard's concluding appeal indicates clearly the position which he had taken since his entrance into Congress in 1845. Not forgetting that he was a Southerner, he nevertheless maintained his devotion to the Union. In this connection he said:

I am a Southern man by birth, by rearing, by allegiance, by all the mighty sympathies which can bind the heart of a man to his people; but I claim the wider and still more glorious privilege of being a citizen of the American Union; and while I love the South, I should love the South less if it did not form a part of this Union. No act of mine shall ever do anything toward surrendering the glory and the rights of the section from which I come; no act of mine shall ever do anything toward weakening the tie which binds us together as a common country. I have heretofore never participated in any scheme of that kind, and while God gives me reason, I never shall. I will encounter any hazard, here or at home, before I will take part in any combination looking to any such purpose. There are rights, many rights, dear to us as a southern people. I know it. But no man shall make me count the cost of this Union; no man shall bring me to the point when I will run over the estimate to see that I can afford to give up the South or the Union. I will cling to both. I will never be brought into a cold arithmetical estimate of that description. If I thought the organizing a government for California would put this Union in peril, I would forever withhold that government. If I thought the surrender of that territory was necessary to the preservation of our harmony, or our fraternal feeling, I would give up that territory now and forever.<sup>81</sup>

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<sup>80</sup> Ibid.

<sup>81</sup> Ibid., 106-107.

Hilliard's speech on this occasion was doubtless his most effective congressional oration since his remarks on the Oregon question three years before. Praising it for being "elevated, dignified and well-timed," the Washington Whig noted that the address "has commanded attention in all portions of our country."<sup>82</sup> The editor then earnestly commended "a perusal of it, particularly to our southern friends."<sup>83</sup> In publishing a copy of the speech, the Alabama Journal said: "It is an able and eloquent effort, conservative and patriotic in its tone and will amply repay the reader."<sup>84</sup> When the Eufaula Democrat expressed indignation over Hilliard's warm regard to the Union,<sup>85</sup> the Journal replied:

If there is one sentiment which, above others, is worthy of high commendation in the late speech of Mr. Hilliard in the House, it is the one with which the Democrats find fault. . . . The arguments of Mr. Hilliard are not and cannot be fairly met . . . . We repeat, we heartily approve of that eloquent speech, and nine-tenths of the people of the district approve of it, and we solemnly believe the other tenth too. . . .<sup>86</sup>

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<sup>82</sup> Washington Whig, quoted in Montgomery Alabama Daily Journal, March 30, 1849.

<sup>83</sup> Ibid.

<sup>84</sup> Montgomery Alabama Daily Journal, February 28, 1849.

<sup>85</sup> Eufaula Democrat, quoted in ibid., March 29, 1849.

<sup>86</sup> Ibid.

To make the refutation still stronger, the editor boasted: "Mr. hilliard never stood as well in this district and before the whole country as he does this day."<sup>87</sup>

When Hilliard returned to Alabama in the spring of 1849, the Whig praised his record and confidently asserted that he would be re-elected to a third term in Congress:

Ever since his residence amongst us, he has been constantly gaining upon our affections. . . . Mr. Hilliard is a genuine, patriotic Whig, and, what we admire him most for, an original Taylor man. . . . He returns to his district, having yielded to the wishes of his large constituency, and again to combat the foe; and if we may venture to guess from his former success, he will reap a "Buena Vista" victory over his opponents.<sup>88</sup>

Similarly, the editor of the National Intelligencer said:

The acquaintance of Mr. Hilliard with foreign affairs has been observed during his service in Congress, and especially so in his service on the Committee of Foreign Affairs of which committee he has been a member of the last two sessions. We trust that the Whigs of the second congressional district of Alabama will return him to the next Congress, that he may give his aid to an administration which he zealously labored to bring into power.<sup>89</sup>

Upon his arrival in Montgomery, Hilliard learned that his course in the recent Congress was under attack by the Democrats. Particularly, he was denounced for his failure to sign the Calhoun address. He was likewise under

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<sup>87</sup> Ibid.

<sup>88</sup> Washington Whig, quoted in ibid., March 30, 1849.

<sup>89</sup> Washington National Intelligencer, March 13, 1849.

fire for his apparent refusal to vote for the substitute address of Berrien. In view of these strong criticisms, Hilliard canvassed his district immediately in order to defend his record and that of the administration. He spoke at least seven times during the month of April alone.<sup>90</sup> These speeches, it is to be remembered, were given before the congressional nominating convention was held.

In these discourses, Hilliard argued that his action with respect to the addresses of Calhoun and Berrien was sound, and that the South should remain in the Union. He asserted that he had seen and approved of Berrien's address even before it was presented to the Convention. Furthermore, he had voted for it when it was finally submitted to the Southern members of Congress. Before turning to his second major contention, Hilliard maintained that he was opposed to the Southern address on the grounds that it was a sectional document. This served as a transition to his favorite appeal of unionism.

Urging a policy based on national spirit, Hilliard contended that the South should remain in the Union as long as her constitutional rights were upheld. To do otherwise,

<sup>90</sup> Hilliard's first address was at Montgomery on April 2. He then spoke in the counties of Russell, Dale, Macon, and Barbour. For accounts of these speeches see Montgomery Alabama Daily Journal, April 3, 7, 18, 21, 26, and May 4, 1849. Also see Eufaula Democrat, April 24, 1849, and Eufaula Shield, quoted in Montgomery Alabama Daily Journal, April 25, 1849.

he observed, would lead only to anarchy and faction. He then traced the leading events of American history to show that the people of the North and of the South were compatible. During the Revolutionary War, the War of 1812, and the Mexican War, for example, soldiers of the "North and the South stood side by side, fighting together, dying together and winning laurels that shall never fade."<sup>91</sup> With considerable force Hilliard then warned if "you enter into your closet and sit down to a cold, heartless and mathematical calculation of the value of the Union in dollars and cents," the "shade of Washington would rise up before you to rebuke and condemn you."<sup>92</sup>

Hilliard's appeals were effective. At each meeting where he spoke, resolutions were passed enthusiastically endorsing his course in Congress. Moreover, the editor of a Democratic organ, after hearing Hilliard speak in Clayton, is purported to have said: "Do tell me where he is vulnerable."<sup>93</sup>

Early in May, the Whigs met in Convention at Clayton, in Barbour County, and nominated Hilliard for re-election to Congress. In his letter of acceptance he made

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<sup>91</sup>Montgomery Alabama Daily Journal, May 4, 1849.

<sup>92</sup>Ibid.

<sup>93</sup>Ibid., May 7, 1849.

an appeal for justice to the South, but, at the same time, made it clear that he would support wholeheartedly the administration of Taylor.<sup>94</sup> Meanwhile, opposition to Hilliard was increasing. To combat this trend, the Whigs, shortly after their nomination convention, announced a mass meeting to be held in Montgomery. Hilliard, on this occasion, delivered a fiery address in defense of his policies. He pointed out that he had always championed the rights of the South, as illustrated by his vigorous stand against the Wilmot proviso. Yet, despite this loyalty to the South, he asserted, he would not be sympathetic to a sectional movement which might endanger the Union.<sup>95</sup> Obviously disturbed by the personal attacks which had been made, Hilliard next defied his opponents to defeat him:

These self-constituted leaders of the Democratic party, who professed to be the truest friends of the South, say that at the last election they allowed me to return to Congress without opposition; I say to these gentlemen to-day, I intend to return to Congress, and I defy you to prevent it. The heart of the people of this great district beats in full sympathy with me, and they will stand by me while I uphold the standard of the Constitution and the Union.<sup>96</sup>

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<sup>94</sup> Du Bois, The Life and Times of William L. Yancey, I, 255.

<sup>95</sup> Montgomery Alabama Daily Journal, May 16, 1849.

<sup>96</sup> Hilliard, Politics and Pen Pictures, 209.

Following this address, a bystander remarked that Hilliard's critics "shrunk under the withering storm of invective like Mexicans under the fire of Bragg's battery."<sup>97</sup> Hilliard observed, however, that the speech, while pleasing to the Whigs, "inflamed the opposition still more, and they proceeded to make preparations upon an extensive scale for my defeat."<sup>98</sup>

The task of the Democrats was to find a candidate strong enough to meet Hilliard on the stump.<sup>99</sup> They first turned their attention to Yancey who was now back in the good graces of his party, after having bolted during the presidential campaign of 1848. When Yancey refused to run, the Democrats selected James L. Pugh, "a young lawyer, self-made, able, robust of body and ardent in zeal."<sup>100</sup> Strangely enough, Pugh was a Whig who, just the year before, had been an elector on the defeated Taylor ticket. Despite this Whig affiliation, however, he had redeemed himself in the eyes of the Democrats by endorsing Calhoun's address. With Pugh's nomination, the issue in the coming canvass

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<sup>97</sup>Montgomery Alabama Daily Journal, May 1C, 1849.

<sup>98</sup>Hilliard, Politics and Pen Pictures, 209.

<sup>99</sup>Du Bois, The Life and Times of William L. Yancey, I, 236.

<sup>100</sup>Ibid., 237.

seemed clear.

The bitter contest between Hilliard and Pugh was watched closely not only by the people of Alabama, but by political observers throughout the Union. In April, the Montgomery Advertiser, in referring to the complimentary notice of Hilliard in the National Intelligencer, accused the administration of "ordering" his re-election.<sup>101</sup> Three weeks later Hilliard M. Judge of Alabama sent the following notation to John C. Calhoun:

I have it, not directly, but through the most undoubted authority, that Mr. [George S.] Houston of this State defends himself for not signing "the Southern Address," by stating that the Slavery question is agitated alone for party purposes and party effect, and in evidence of that fact, says, you told Mr. Douglas of Illinois, during the discussion of the California bill--" that it would never do to settle this question of slavery--that its agitation was necessary to the success of the Democratic Party in the South." He referred his hearer [Judge Wallace of Tuscaloosa] to the Hon. Mr. Hilliard of Montgomery, in corroboration of what he stated.<sup>102</sup>

Judge then added with a note of finality:

Almost all counties of South Alabama have responded most emphatically "to the Southern Address" without distinction of party. North Alabama is much less interested and will be slow in her action, yet I think she will follow the lead of the Southern portion of the State. A

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<sup>101</sup>Montgomery Advertiser, quoted in Montgomery Alabama Daily Journal, April 5, 1849.

<sup>102</sup>Hilliard M. Judge to John C. Calhoun, Eutaw, April 29, 1849, Annual Report of the American Hist. Assoc., 1899, II, 1195.

favorable omen of public opinion there, is furnished by Houston's refusal to be a Candidate for re-election. Hilliard will be beaten in his District, by a Whig or Democrat who is sound, as may seem best calculated to accomplish this result.<sup>103</sup>

By June the feeling against Hilliard was so strong that the Democrats, in a meeting at Montgomery, passed a resolution denouncing those political leaders of the South who refused to sign the Calhoun address. Thomas D. Harris wrote Howell Cobb that the resolution "was designed to kill Hilliard."<sup>104</sup> Similarly, Houston told Cobb that the bill "was first and mainly intended to kill off Hilliard but with about as much desire to kill me off."<sup>105</sup> Judge, Houston, Harris, and Cobb were all convinced that Hilliard's defeat was imminent. "So our State is gone," Houston wrote Cobb, "and you may so set it down. My district is the only part of it that is sound; but a rabid Calhoun man will be elected, and then it will go too."<sup>106</sup>

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<sup>103</sup> Ibid., 1196.

<sup>104</sup> Thomas D. Harris to Howell Cobb, Dalton, Georgia, June 28, 1849, ibid., 1911, II, 168.

<sup>105</sup> George S. Houston to Howell Cobb, Athens, Alabama, June 26, 1849, ibid., 166.

<sup>106</sup> Ibid. Hilliard, however, was confident. He told Nathan Appleton on May 21: "I am now a candidate for Congress with every prospect of success. . . ." Hilliard to Nathan Appleton, Montgomery, May 21, 1849, Appleton Papers.

Horace Greeley, too, was interested in the outcome of the congressional contest in Alabama. Rejecting the arguments of those who said that Hilliard had betrayed the South, Greeley said that Hilliard had done everything "short of signing Calhoun's address. . . to prove his devotion to Slavery, and no man worked harder nor more heartily for the Walker Amendment and against the Wilmot Proviso in any shape."<sup>107</sup> In what amounted to an endorsement of Hilliard the editor of the Tribune then observed:

Yet Mr. Hilliard, whom no Loco-Foco dare venture to oppose, and who was last time elected without opposition, is now to be opposed, though the regular Whig nominee, by Col. James L. Pugh, a Whig, and a Taylor Elector last year! We do not state the fact to cry about it, but only to say we shall be somewhat astonished if Col. Pugh gets many Whig votes. Of course, the other sort will go for anything that promises to raise a breeze.<sup>108</sup>

As soon as word of Greeley's endorsement of Hilliard reached Alabama, the Wetumpka Daily State Guard accused the Tribune of trying to "dictate to the slave holding voters of Alabama that they must support this NORTHERN FAVORITE KNOWN OF THE WHIG PARTY. . . ."<sup>109</sup> The Guard then asked in a sarcastic vein: "Is the interest of the Northern abolitionist the interest of the people of the

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<sup>107</sup> New York Weekly Tribune, June 30, 1849.

<sup>108</sup> Ibid.

<sup>109</sup> Wetumpka Daily State Guard, July 13, 1849.

Montgomery district?"<sup>110</sup> Alluding to Hilliard's recent trip to Massachusetts, the Guard then added: "Horace Greeley. . . . knows Mr. Hilliard would make it convenient to be absent at Boston or some other Northern city. . . . in case his absence was required."<sup>111</sup> Such a man, concluded the editor, "is too national in his feelings, and not Southern enough for the interests of slavery."<sup>112</sup>

Not all of the Democratic leaders of Alabama shared the views expressed by the Guard. The Eufaula Democrat, for example, observed:

We like Mr. Hilliard better than any man of that sort we ever saw; and do not hesitate to say now that we will support him in preference to any other man of the same sort. He has got so much elegance, grace and eloquence that he atones in part for his want of sturdy independence and unwavering devotion to the South.<sup>113</sup>

Similarly, the Florence Gazette, a Democratic paper in North Alabama, said:

If the Montgomery District cannot be "redeemed, regenerated and disenthralled" from the dominion of federal whiggery, we hope it will continue to be represented by such a liberal whig as Mr. Hilliard . . . . We entertained the hope. . . . that our

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<sup>110</sup> Ibid.

<sup>111</sup> Ibid. This was doubtless an allusion to Hilliard's lecture in Boston, which was given during the time when the first southern caucus was held in December, 1848.

<sup>112</sup> Ibid.

<sup>113</sup> Eufaula Democrat, May 22, 1849.

friends at Montgomery would be enabled to bring forward a democratic candidate who could defeat Mr. Hilliard, but we have long since despaired of such a hope, [since] no one [was] willing to risk his popularity in such a contest. We would, however, prefer voting for Mr. Hilliard to any other whig in the district. He has shown in his seat in Congress, that by his votes and speeches that he is thoroughly with the South upon the great question of slavery. He has made some of the most eloquent speeches and effectual appeals to the North in behalf of the rights and the institutions of the South, and the mere fact of his having refused to sign the Southern address should form no objection to his re-election. In his seat in Congress. . . . he has faithfully done his duty. . . . Upon the great question which effects our constitutional rights, Mr. Hilliard has abundantly shown that his heart is in the right place and that he will act in the right way when he thinks the right time has come.<sup>114</sup>

Against this background of local, state, and national interest, Hilliard and Pugh engaged in a series of lively joint discussions. Their first debate was held at the Court House in Montgomery before an overflow audience. According to a previously arranged agreement, Pugh was to open the meeting with a speech, one and one-half hour in length, and Hilliard was to follow with a two hour reply. Pugh was then to close the meeting with a thirty-minute rebuttal. Throughout his constructive speech, Pugh criticized Hilliard's congressional record. He charged that the Whig candidate found it convenient to be absent from his seat in the House on every occasion when a

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<sup>114</sup> Florence Gazette, quoted in Montgomery Alabama Daily Journal, June 22, 1849.

vote was needed to sustain Southern rights. With such a record, concluded Pugh, Hilliard was not qualified to protect the interests of the South in such a period of sectional controversy.<sup>115</sup> At the conclusion of this first speech, observed the Gazette, "it was the opinion of a large majority of the audience. . . that Mr. Hilliard had been. . . most seriously if not mortally 'punished.'<sup>116</sup>

Armed with documents<sup>117</sup> and undismayed by the attacks made upon him, Hilliard rose to reply amidst deafening applause from his followers. In the words of the unfriendly State Guard:

The Parson met with an enthusiastic reception from his friends, for which he gratefully tendered them his thanks, and then commenced one of the most violent, vindictive and sarcastic speeches we have ever heard uttered from the lips of the most wicked man in christiandom. We could not imagine that such a speech could have come from the lips of so soft, so pleasant and so smiling an individual. But so it was, during which time his proselites and penitent followers made the, not the welkin, but the Courthouse ring with their hooping and hollowing and whenever the Parson would say any thing very smart, such a "noise" not to say a word about the "confusion," perhaps no one ever heard before, and we thought that on several occasions, several of his disciples would have to be lifted from the crowd, so much were they overpowered by that doleful and appealing voice of the Right Reverend

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<sup>115</sup> Florence Gazette, quoted in Eufaula Democrat, June 26, 1849.

<sup>116</sup> Ibid.

<sup>117</sup> Wetumpka State Guard, June 23, 1849.

Gentleman.<sup>118</sup>

Far less biased was the Eufaula Democrat which praised Hilliard for making a brave and eloquent attempt to defend a difficult cause.<sup>119</sup> "We have never witnessed a finer display," stated the Democrat, "than was made by both gentlemen."<sup>120</sup> That Hilliard used strong sarcasm and invective seems clear from all the eyewitness accounts of the debate. He could not forget the fact that Pugh, until recently, had been his close friend and a loyal Whig. Nor could he forget that the Democrats were responsible for Pugh's candidacy. Moved by what he thought was an unfair method to bring about his defeat, Hilliard, therefore, denounced his opposition in scathing terms. Such an approach elicited rounds of applause from the Whigs and other moderates, but it tended, on the other hand, to increase the fury of the radicals.

The second debate was held at Tuskegee in Macon County. Except for a change in the speaking order, the

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<sup>118</sup>Ibid. For a similar account of the effect of Hilliard's speech on his followers see State Gazette, quoted in Eufaula Democrat, June 26, 1849, and Garrett, Reminiscences of Public Men in Alabama, 96-97. Garrett observed that he went to the Court-House "determined not to become excited, but to listen and to learn."

<sup>119</sup>Eufaula Democrat, June 26, 1849.

<sup>120</sup>Ibid.

procedure was the same as that followed at Montgomery. Leading off in a speech of one hour's length, Hilliard developed two propositions. First, he argued that his course in Congress had been at all times consistent with the rights and the interests of the South, and, at the same time, conciliatory to every section of the Union. Secondly, he maintained that Pugh was less sound than he on the Southern question. In support of the first proposition, he referred to his speeches and votes in Congress. Then, turning upon his opponent, Hilliard asserted that Pugh was opposed to a policy of resistance until after the introduction of the Wilmot proviso. Furthermore, he had lately condemned the Democrats as being too hasty and violent. More important, however, was the fact that Pugh had applauded Hilliard's firm confidence in Taylor's administration, and had assisted Hilliard in procuring the recent Whig nomination.<sup>121</sup>

The Macon Republican disposed of Pugh's reply with the curt statement that he "made as good a case out of the flimsy materials he had in hand as could have been expected."<sup>122</sup> The editor then noted that while "a better

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<sup>121</sup> Tuskegee Macon Republican, quoted in Montgomery Alabama Daily Journal, July 2, 1849.

<sup>122</sup> Ibid.

temper prevailed throughout the discussion than was exhibited at Montgomery. . . . there was an interchange of repartee at the close of the debate."<sup>123</sup> Pugh, it seems, closed by assuring his listeners that he would "beat Mr. Hilliard to a moral certainty."<sup>124</sup> To this, Hilliard rejoined: "If so, you will accomplish it by the most immoral means ever used to defeat any candidate."<sup>125</sup>

For another encounter, the candidates met at Girard before a large group of people, many of whom had come from Georgia. The reports on this debate are scanty. A partisan witness, however, sent word to the Alabama Journal that he had "never witnessed such a rasping as poor Pugh got," and further said, "had you seen and witnessed the discussion to-day, you would have been sorry for the man."<sup>126</sup>

In a joint discussion at Eufaula a few days later, Hilliard again attempted to prove two propositions: first, that since Pugh had endorsed his course in Congress, he was therefore precluded from objecting to it now; and,

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Montgomery Alabama Daily Journal, July 4, 1849.

secondly, that his own congressional policies were patriotic and Southern. Of this speech, the Democrat said:

Mr. Hilliard manages his cause adroitly. He has left off his sickly eulogiums upon the Union; we hear no more of Bunker Hill and Yorktown; he now talks like a Southern man; and if he had not voted for Winthrop, had signed the Southern address, and had never refused to count the cost of the Union, we would really be inclined to think that he was a southern man. . . .<sup>127</sup>

Following a debate between Hilliard and Pugh which took place at Troy in the middle of July, a friend of Hilliard who had accompanied him throughout the campaign, wrote to the editor of the Journal as follows:

I have, as you know, been with Mr. Hilliard all round the district thus far, and it is a matter of astonishment to me how he sustains the labour of body and mind. His physical powers never falter, and the great energies of his mind never flag. He speaks every day, talks till bed time every night, and goes forward the next morning with the strength and freshness of a youth. As you all know he disposed of Mr. Pugh at Glennville; then Major Buford came at him like a torrent from the mountains; he was disposed of at the second meeting and then came Mr. Bullock, from Eufaula. . . . This democratic leader was disposed of at Union Springs, and went home, as I understood, bleeding at the lungs.<sup>128</sup>

This account, colored with prejudice, is nevertheless valuable in that it gives the rhetorical critic an additional insight into Hilliard's technique.

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<sup>127</sup> Eufaula Democrat, July 3, 1849.

<sup>128</sup> Montgomery Alabama Daily Journal, July 14, 1849.

As the campaign drew to a close, both parties strengthened their efforts. The Democrats urged Yancey to shorten his vacation trip to South Carolina, and take the stump for Pugh. In late July, the Journal carried a notice stating that "Mr. Yancey has suddenly appeared in the field against Mr. Hilliard."<sup>129</sup> Not to be outdone, the Eufaula Shield, zealous for a Whig victory, tried to rally the Methodist Episcopal Church to come out in favor of Hilliard.<sup>130</sup> This bold move prompted the State Guard to say: "This is the first attempt ever made in the State to enlist the aid of Religion in behalf of a Politician."<sup>131</sup>

In what was perhaps up to that time the highest "display of popular feeling" ever witnessed during a contest in Alabama,<sup>132</sup> Hilliard won a telling victory. His majority of eight hundred out of a total of 12,750<sup>133</sup>

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<sup>129</sup> Ibid., July 25, 1849. There is no evidence to show that Hilliard and Yancey met in joint debate at this time. Du Bose points out, however, that at a large gathering at Mount Meigs, five unsuccessful attempts were made to match either Hilliard and Pugh or Hilliard and Yancey in debate. Du Bose, The Life and Times of William L. Yancey, I, 237-238.

<sup>130</sup> Wetumpka State Guard, July 26, 1849.

<sup>131</sup> Ibid.

<sup>132</sup> Du Bose, The Life and Times of William L. Yancey, I, 237.

<sup>133</sup> Dorman, Party Politics in Alabama, 180.

votes was considerably larger than that which he had achieved in the campaign of 1845. Despite an opponent who had seized the offensive from the beginning and maintained it throughout, and notwithstanding outside pressure from radical leaders, Hilliard had accomplished what most of his Southern conservative friends had failed to do. He had voted against the Calhoun address, returned to Alabama, and persuaded his constituents that his course was right. "His vindications were complete and his success as triumphant," states Smith somewhat exaggeratedly, "as that of Demosthenes fighting for the Crown."<sup>134</sup>

The Whig success in the face of such spirited and determined opposition created considerable enthusiasm. Following the victory, the friends of Hilliard prepared a banquet in his honor at the Exchange Hotel in Montgomery. In a playful speech, Hilliard likened the activities of his opponents to a game of cards, saying "The best trump of my adversaries was reserved for the last, and LO! it turned up a knave."<sup>135</sup> Informants told Yancey that the remark referred to him since some mention was made of one "brought

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<sup>134</sup>Smith, Reminiscences of Public Men in Alabama, 220.

<sup>135</sup>Montgomery Alabama Daily Journal, August 15, 1849.

all the way from South Carolina." Yancey was indignant and sent word to Hilliard inquiring whether the allusion was to him, and requested the exact language used. Hilliard, admitting that the remark had been made, wrote Yancey: "If you had heard my speech, I am sure you would have laughed at it in perfect good temper."<sup>136</sup>

The American Review, a Whig journal published in New York, had followed Hilliard's career quite closely since his entrance into Congress. So impressed were the editors with his contributions to the national Whig party, that they wrote a sketch of his life in the issue of December, 1849. Speaking of Hilliard's second term in Congress and more specifically of his latest congressional victory, the Review said:

His recent election is the most brilliant triumph of his life. One of the first to discover in General Taylor those great qualities that fit him for places of high trust in the service of his country, he was conspicuous in giving impulse to the movement which resulted in his triumphant election. In the Philadelphia Convention he did his utmost to secure his nomination, and on the adjournment of Congress he threw his energies into the contest in Alabama, and contributed his efforts towards bringing that State so nearly to the support of the Whig candidates. After General Taylor's election Mr. Hilliard, having unbounded confidence in his character and principles, was willing to confide to his administration the settlement of all open questions, including that of providing governments for the new territories. Hence he refused to participate in any mode of action that seemed to imply

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<sup>136</sup> Ibid.

distrust; and he declined to put his name to the address prepared by Mr. Calhoun, and issued by a portion of the southern members of their constituents. Faithful as a southern representative, steadfastly opposed, as he had shown himself to be, to any encroachment on the rights of the section from which he comes, he did not, it seems, think it his duty to co-operate in that movement. He had, besides, expressed it as his firm purpose to exert whatever power he possessed for effecting a settlement of the important question which so deeply interested the country and threatened its tranquility, so as to secure the rights of the South without impairing the strength of the Union. This course subjected him to the fiercest assaults on his return to Alabama, and a canvass ensued, which is described as far the most excited ever witnessed in that state, or, perhaps, in the Union. The most formidable opposition was organized against him--an opposition to which talent, energy, and money were freely contributed as elements, and unparalleled efforts were made to ensure his defeat. The press and the stump teemed with the most violent denunciations against him: his speeches and votes were misquoted and misinterpreted to make him odious to the people. His refusal to sign the address sent out by some of the Southern members, was represented to be conclusive proof that he was faltering in the vindication of Southern rights, while certain appeals which he had made in Congress in behalf of the Union--appeals which were intended to rouse the patriotism of the representatives from every part of the country--were tortured into open renunciations of the section which had given him birth, and which had advanced him to honors. The contest, relentless, implacable and heated, drew the attention of the whole state, and was observed with interest in other parts of the Union. Eloquent and influential gentlemen of both parties entered the lists, and extra-ordinary exertions were made on either side. Mr. Hilliard is described as having borne himself throughout the protracted and trying contest with the most determined manliness, never for a moment yielding a principle, or asking a concession--staking everything upon the open field. He met the opposition in the most fearless spirit; defied the combination against him; entered the arena in person; appealed to the people throughout his extensive district, and addressed them in mass meetings; brought the question before them in all its relations, involving in its

ultimate settlement the honor of the South, the safety of the Union, and the glory of the nation; and insisted that, under Gen. Taylor's administration we should be able to maintain "the RIGHTS of the States, and the UNION of the States." He emerged from the contest with a triumphant majority, and he returns to his seat in Congress--which he has filled with such distinguished ability, and with the increased confidence of his constituents and his country--to employ his powers still farther in the service of both.<sup>137</sup>

This extensive analysis of Hilliard's feats, though coming from a biased political source, possesses a high degree of objectivity. The conclusions, rich with praise, are supported by numerous sources which have been cited throughout the foregoing chapter. Not only was Hilliard, in the fall of 1849, the most eloquent Whig in the State of Alabama, but he had gained a foremost rank among the Whig leaders in the country.

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<sup>137</sup> American Review, X (December, 1849), 618-619.

## CHAPTER VIII

### THIRD TERM IN CONGRESS: 1849 - 1851

When Hilliard returned to Congress with a mandate from his constituents in Alabama, little did he realize that the most difficult, yet most triumphant years of his political career lay ahead. He had obtained a surprising degree of success in both Congress and Alabama in his dual role as Southerner and as Nationalist. He had not, it is true, always satisfied the ultras in the South or in the North, but he had won the respect of conservative leaders throughout the Union. This policy of moderation, however, would soon be put to its greatest test. Extremists on both sides followed a course during the next two years which all but snapped the cords binding the Union. At one point, forced to make a choice between the two extremes, Hilliard remembered that he was a Southerner. When compromise later became a third alternative, however, he once again embraced the Union.

For an orator, the period was filled with opportunity. The Wilmot proviso, the speakership controversy, the California bill, and the compromise measures provided the subjects on which the speaker could test his powers. Hilliard accepted the challenge and went to the

rostrum more often than he had ever done in the past.

There were ominous signs on the political horizon as the members of Congress arrived in Washington in December, 1849. The recent elections in the South had given an added impetus to the Southern movement. Eight Whigs were defeated because they had failed to sign the Calhoun address.<sup>1</sup> There were no comparable elections in the North during the summer of 1849. But there was a movement in progress--a movement to weaken the fabric of the social and economic institution of the South. Both the Democrats and the Whigs of the North seemed determined to thwart the advancement of slavery. Caught in the middle of these two irresistible forces was Zachary Taylor. No longer could he remain silent on the Wilmot proviso which had come to be a smouldering fire, ready to burst into an open flame at any moment.

As yet, Taylor had made no commitments. But it was rumored that Seward, the personification of anti-slaveryism, had become a "confidential friend of the administration."<sup>2</sup> Toombs of Georgia was disturbed. To allay his fears he called upon Taylor just prior to the new session to ascertain where the president stood. When told by Taylor

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<sup>1</sup>Cole, The Whig Party in the South, 147.

<sup>2</sup>Ibid., 152.

that he would sign the proviso if it were passed in Congress, Toombs wrote Crittenden: "I therefore determined to put the test to the Whig party and abandon its organization upon its refusal."<sup>3</sup> When the Whigs, therefore, met in caucus on the first of December to nominate a Speaker, Toombs introduced a resolution to the effect that Congress should not restrict slavery in the new territories, and ought not abolish it in the District of Columbia.<sup>4</sup> The Northern Whigs, wary of yielding to Southern pressure, voted the aggressive resolution down.<sup>5</sup> Toombs, Stephens, and Hilliard, along with other Southerners, could not escape the conviction that the Whig party, under the influence of Seward, was to become an anti-slavery party, in order to regain its strength in the North. They were equally convinced, furthermore, that Taylor would sign the proviso if it passed Congress.

In a brilliant analysis of the period, Phillips has shown that there were four alternatives open to the Southerners during this period of crisis.<sup>6</sup> First, they

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<sup>3</sup>Toombs to Crittenden, Washington, April 23, 1850, quoted in Phillips, The Life of Robert Toombs, 66.

<sup>4</sup>Washington National Intelligencer, December 6, 1849.

<sup>5</sup>Ibid.

<sup>6</sup>Phillips, The Life of Robert Toombs, 51-53.

could submit to the radical proposals for industrial and social revolution, and undertake to remodel the slavery regime. Secondly, they could promote national harmony by advocating the right of local self-government and by suppressing the rise of issues which might produce sectional antagonisms. Thirdly, they could meet the relentless attacks upon their institution with still stronger counter attacks, and thereby place the North on the defensive. Finally, they could--as Yancey, Robert Barnwell Rhett, and John A. Quitman had recommended--establish a separate Southern nationality.

The first of the above propositions, the remodeling of the slavery system, could never be condoned by the Southern Community. Thus, no important politician ever contemplated such a move. The second alternative, called by Phillips "the policy of moderation,"<sup>7</sup> was no longer timely. True, it could have been followed successfully in the middle 1840's at the time of the Texas question and the initial stages of the Mexican War. For these were problems which had to be suppressed in the name of national harmony. But Texas had been annexed, the war had been fought, and the problem of new territory had brought with it the greatest sectional issue in the history of America.

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<sup>7</sup>Ibid., 52.

It is not surprising, therefore, that the Southern Whigs looked with sympathy toward the third alternative: a strong counter attack. They were not willing to withdraw from the Union yet; but some entertained the thought in case their newly planned offensive failed.

The time to put the new policy into effect, thought Toombs, had come on the night of the Whig caucus. Thus, he introduced his pro-slavery resolution. At once, Hilliard gained the floor to second these views. He pointed out that if it were agreed that the Wilmot proviso and the abolition of slavery in the District of Columbia were not a part of the Whig creed, then the party should say so by starting in the caucus with such a declaration.<sup>8</sup> In further support of the measure, Stephens said that he would hold "no connection with a party that did not disconnect itself from the aggressive abolition movements."<sup>9</sup> The majority, including some Southerners, were in no mood to listen to such arguments. With but eight dissenting votes, the resolution was turned down. As soon as the vote was announced, Toombs dramatically walked out of the room.

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<sup>8</sup>New York Express, December 2, 1849, quoted in Tuskegee Macon Republican, January 3, 1850.

<sup>9</sup>Alexander H. Stephens MSS, Manhattanville College of the Sacred Heart, New York, December 2, 1849, quoted in Rudolph Von Abele, Alexander H. Stephens (New York, 1947), 121.

Amid great excitement he was followed in turn by Stephens and Allen Owen of Georgia, Jeremiah Morton of Virginia, and Edward Cabell of Florida. Hilliard wavered. He knew that to bolt the caucus would be tantamount to withdrawing his support from his friend Winthrop of Massachusetts. He remembered, too, that he had always campaigned under the banner of unionism, and had denounced sectionalism. But he had been placed in a difficult position by the action of Toombs. While he agreed with the sentiment of the resolution, he did not want to leave the room. He yielded to the pressure of the moment, however, and became the sixth and final member to bolt the caucus. The remaining Whigs then proceeded to nominate Winthrop as their choice for Speaker.

During the next few days, the attitudes of the six disaffected Whigs presented striking contrasts. Toombs and Stephens were filled with anger. "My Southern blood and feeling is up," said Stephens, "and I feel as if I am prepared to fight at all hazards and to the last extremity."<sup>10</sup> They had no intention of supporting Winthrop. Much more conciliatory was Hilliard, who told Nathan Appleton:

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<sup>10</sup> Ibid., 121-122.

I cannot say to you how much I deplore the present state of affairs in the House of Representatives. You know my relations with Mr. Winthrop--how much I esteem him as a man and respect him as a Statesman--and yet I am not voting for him--for Speaker-- To him I have not a single objection--and should rejoice to see him elected. But a movement made by Mr. Toombs on Saturday night in our Caucus has thrown some of us into a false position. . . . Our friends did not feel at liberty to pass the resolution--and therefore it leaves those of us who come from heavy slaveholding Districts under the necessity of maintaining just now an independent position--lest we should turn to sanction the course of the caucus in regard to that dangerous question--I say to you however, that it is my purpose to vote for Mr. Winthrop--whenever I perceive that my vote can be of any Service to him--and I shall after the contest is over make a publication setting forth the ground upon which I stand. . . .<sup>11</sup>

A few weeks later Appleton replied: "I have perfect confidence in your high principles of honor and conscience. Under these circumstances your letter was a relief to me."<sup>12</sup>

If the bolting Whigs had felt that they would win the support of the press in the South, they were mistaken. The vast majority of the party journals outside of Georgia agreed with the Mobile Advertiser which referred to the action as not only "impolitic and unjustifiable but altogether unreasonable."<sup>13</sup> They believed that the disaffected

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<sup>11</sup>Hilliard to Nathan Appleton, Washington, December 4, 1849, Appleton Papers.

<sup>12</sup>Appleton to Hilliard, Boston, December 22, 1849, ibid.

<sup>13</sup>Mobile Advertiser, December 12, 1849.

Whigs had moved too rapidly, and that they should have delayed such aggressive action until the question had been introduced through actual legislation. Few could quarrel with the logic of this position.

Meanwhile, the most exciting Speakership contest in American history was under way. The Whigs had placed their hopes in Winthrop, a talented and experienced legislator known for his moderate views and party regularity. He had been the Speaker in 1847, and as such had won the respect of members of both parties. Equally strong was the Democratic candidate, Cobb of Georgia, who was familiar with parliamentary rules and skillful as a debater. Since Cobb had been one of the four Southern Democrats to vote against the Calhoun address the year before, however, he could not expect to get too much Southern support.

As the voting began on the third of December, the new House was comprised of 112 Democrats and 105 Whigs, with 13 Free Soilers holding the balance of power. On the first ballot the two leading candidates, Cobb and Winthrop, received 103 and 96 votes respectively. Since a majority vote was needed, the balloting was resumed. Not much change occurred during the next twelve ballots. In the meantime, the House was speakerless. The retired clerk,

with no power to rule on controversial issues, presided. On the twenty-first vote the trend began to move in favor of Winthrop, who received 102 votes. On this ballot Hilliard carried out the promise which he had made to Appleton by giving for the first time his support to Winthrop. But the deadlock continued.

Finally in a series of ballots on December 11 and 12, a dark horse, William J. Brown of Indiana, emerged as a possible winner. The Democrats suddenly shifted their support to him; and when on the fortieth ballot Winthrop and Wilmot withdrew their candidacy, the Free Soilers voted for Brown. Had it not been for a surprise move on the part of the Southern Democrats, Brown would have been elected. The Southerners had heard that a deal had been made between the Indiana legislator and the Free Soil advocates regarding appointments to committees. They had heard, moreover, that the Wilmot proviso would be the price for organization. The House was in an uproar.<sup>14</sup>

In the midst of this turmoil produced by Brown's apparent duplicity, Hilliard delivered, December 13, a

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<sup>14</sup>A reporter for the Globe said that "during almost the entire day, great confusion and excitement prevailed through the House, rendering an accurate statement of the proceedings and debates exceedingly difficult. Members did not keep their seats, but gathered in large bodies around the member who held the floor, enhancing greatly the ordinary difficulties of the reporter's duties." Cong. Globe, 31st. Cong., 1st. Sess., 21.

defiant impromptu address, which was without question his boldest Southern utterance. "A calmer man never addressed this House," said Hilliard as he rose from his seat, but "I say. . . . that the Union of these States is in great peril."<sup>15</sup> Turning to Charles Allen of Massachusetts, who had just asserted that the Union was not in danger, Hilliard declared:

I have never known throughout the entire southern country so settled and deep a feeling upon the subject of which I have referred--the attempt to exclude slavery from the territories of the United States--as now exists there. And I solemnly declare--speaking from a thorough acquaintance with that people, a people among whom I was born and have been brought up--that if this legislation is to be persisted in, THIS UNION CANNOT STAND.<sup>16</sup>

From this consideration of the attitude of the Southern people in general, Hilliard next turned to the sentiments of his own constituents:

In speaking for the people who have once more honored me with their confidence in sending me here to represent them, I feel it to be my duty to say, that while they cherish a profound attachment to the Union, they will never submit to any legislation which places their States in an inferior relation to the other States of this great Confederacy. They will never hesitate when the choice comes to be made between danger and dishonor. They would regard a dissolution of the Union as a calamity--a calamity too great to be estimated; but they would esteem

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<sup>15</sup> Cong. Globe and Appendix, ibid., 33. The speech may also be found in Hilliard, Speeches and Addresses, 226-235.

<sup>16</sup> Ibid.

submission to legislation which at once deprives them of their rights and degrades them, as a still greater calamity.<sup>17</sup>

That Hilliard shared this view is indicated by the following statement made a few moments later: "Anything is to be preferred to an ignominious submission to tyranny-- tyranny which revels in the mere wantonness of its strength."<sup>18</sup>

Content that the danger to the Union had been established, Hilliard spelled out the firm aggressive-defensive policy which he, along with Toombs and Stephens, had so recently adopted. The North bore the full brunt of his attack as he said:

Upon you will rest the responsibility of settling this great question. The people of these States, the civilized world, and the God of the universe will hold you responsible for the consequences. It is in your power to restore harmony to our system--to turn the Government from the dangers upon which it is driving; and you can do it without a single sacrifice.<sup>19</sup>

By placing upon the leaders of the North the full responsibility of settling the crisis, Hilliard was anticipating the Senate address of Calhoun delivered on March 4, 1850. All that the North had to do in order to settle the

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<sup>17</sup> Ibid., 34.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

agitation, thought Hilliard, was to reject the Wilmot proviso. Of that document he said:

The Wilmot proviso is a selfish scheme, which proposes to seize upon and appropriate the entire territory acquired from Mexico by the common exertion, and common treasure, and, what is more, the common blood of the people of this whole country, for the benefit of the non-slaveholding portion of this Confederacy. The people of the southern States, who bore their full share of the cost of the war, whether you regard the outlay of money or the still more precious expenditure of human life, are to be denied any participation in the fruits of the victory. Can you expect them to bear it? Would you not despise them if they did?<sup>20</sup>

Since Hilliard had long been a champion of the union cause, he felt at liberty to speak out freely. "I have been charged with being too national--with cherishing so profound an attachment to the Union," he said, "that I was ready to surrender the rights of the South to save it."<sup>21</sup> But he declared, in reaching a climax:

I can go no further. If, having eyes, you refuse to see, and having ears, you refuse to hear--if you will not regard the remonstrances of a people now thoroughly aroused by the unjust measures with which they are threatened, my mind is made up to stand with the people of that oppressed section of the Union, in resistance to your measures and your power. You have the majority; but the will of a majority cannot disturb the great principles of the Constitution, nor can it interpret the Constitution. In our Government we are protected against the tyranny of a popular majority--the worst of all tyrannies--by the provisions of the Constitution. When the power of the majority

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

transcends the limits of the Constitution, it ceases to be law, and becomes usurpation.<sup>22</sup>

Never had Hilliard spoken with so much boldness and spirit of sectionalism. If on this occasion, furthermore, he had sacrificed logical for emotional appeal, that was the way he intended it to be. The Union was in grave danger; and, he felt, it could only be saved if the North so willed it.

Before taking his seat Hilliard, amid cries of "Go on," "Go on," alluded to the Whig caucus and explained why he had at first withheld his support from Winthrop. In then telling why he now stood behind the Whig candidate, he, in a sense, negated his action of bolting the caucus:

In the hope, then, that the dangerous legislation in reference to slavery would not be pressed, and that the influence of the southern Whig members over that legislation would be far greater by associating with than by drawing off from our northern friends, I determined to aid in the election of our candidate for Speaker.<sup>23</sup>

On the same day, Toombs and Stephens, who, while refusing to vote for Winthrop, similarly warned the North of the dire consequences that lay ahead. During these animated discussions John W. Forney visited the House and "found there a terrible scene."<sup>24</sup> In a letter to James

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22 Ibid. 23 Ibid.

24 John W. Forney to James Buchanan, Washington, December 13, 1849, quoted in George Fort Milton, The Eve of Conflict, Stephen A. Douglas and the Needless War (New York, 1934), 50n.

Buchanan he pointed out that a crisis was at hand: "Hilliard, Toombs, Stephens and other Southern Whigs declared, amid the hurrahs of the Democrats in the South, that they would secede if the Wilmot Proviso passed."<sup>25</sup> Similarly, the representatives from the State of Alabama wrote Governor Henry Collier on the following day that "We . . . feel it to be our duty to inform you that in our judgment the affairs of the government have reached a crisis of no ordinary moment."<sup>26</sup>

The effect of the speeches of Toombs, Stephens, and Hilliard was sobering. Debate was suspended and the balloting renewed. At length, after sixty-three ballots had been taken, Cobb was elected Speaker on December 23, by a plurality vote. When the decision was announced, observed the Congressional Globe, "a slight murmur of approbation, not amounting to a distinct expression, passed over parts of the Hall."<sup>27</sup>

Despite Hilliard's vigorous Southern speech, the Democratic press in Alabama was not pleased with his activities during the speakership controversy. The Montgomery Advertiser and State Gazette, insisting that

<sup>25</sup> Ibid.

<sup>26</sup> Tuskegee Macon Republican, December 27, 1849.

<sup>27</sup> Cong. Globe, 31st. Cong., 1st. Sess., 66.

Winthrop was a "dyed-in-the wool Free Soiler, who has never given a solitary vote in favor of the South," claimed that Hilliard was "between hawk and buzzard, trying to keep in with the administration by standing up to Winthrop, and at the same time, to please his constituents at home by a little bold talk in the House."<sup>28</sup> One month later the attacks had reached such a point that the Macon Republican felt obliged to come to Hilliard's defense:

Mr. Hilliard is neither a fool, a knave, or a traitor. . . . If he has erred, he is entitled to a fair trial; and if condemned, sentence ought to be pronounced upon him in language fit to be applied for a human being and not in such as ought to be appropriated only to a dog. . . . The only objection that his political opponents have to him is, that they cannot beat him.<sup>29</sup>

The Senate meanwhile was engaging in heated discussions on the various phases of the slavery question. Of the numerous memorials, bills, and resolutions which flooded the Senate, none created so much interest as did Clay's "omnibus bill," presented on January 29, 1850.

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<sup>28</sup>Montgomery Advertiser and State Gazette, December 26, 1849.

<sup>29</sup>Tuskegee, Macon Republican, January 24, 1850.

These resolutions, eight in all,<sup>30</sup> became the subject of interminable discussions during the ensuing months. The House, on the other hand, was reluctant to bring up sectional issues in the immediate weeks following the election of a Speaker. The tranquillity was suddenly disturbed, however, when Taylor asked Congress on February 13 to admit California into the Union. In view of the fact that California had a volunteer anti-slavery constitution, Southerners opposed the recommendation.

Hilliard was one of the first to speak against the measure. His chief argument was that the territorial issues should be settled as a whole, rather than part by part. "I can see no prospect of repose," said he, "but in a prompt and complete adjustment of the source of our dissensions."<sup>31</sup> Such a position was similar to that held by Clay in his "omnibus bill." What concerned Hilliard most was that the South would virtually be excluded from all of the areas if each territory were considered

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<sup>30</sup>Cong. Globe, 31st Cong., 1st. Sess., 244-247. The resolutions provided for the immediate admission of California; for the adjustment of the territorial claims of Texas, for the abolition of slave trade in the District of Columbia; for a more effective law for returning fugitive slaves; and for the establishment of territorial governments without the Wilmot proviso in every territory except that of California.

<sup>31</sup>Ibid., 358.

separately. It was generally agreed that California would be a free state. To allow her to enter into the Union before the claims of the other territories were considered, therefore, would give to the North an advantage in the Senate; and this, feared Hilliard, might reduce the South to a state of helpless submission. On this point, he declared:

If we should admit California into the Union as a State, with the boundaries now claimed by its inhabitants, without receiving guarantees for the protection of our rights in other portions of the territories belonging to us, we should transfer the sceptre of political power at once and forever into the hands of the enemies of our institutions, and the slaveholding States would enter upon a fixed, dreary, hopeless minority in the face of a growing aggression which threatens our very existence. To-day we hold a balance in the Senate of the United States, but the entrance of another non-slaveholding State into the Union would turn that balance against us. We shall never be stronger than we are to-day.<sup>32</sup>

Hilliard was not yet ready to present his mode of settling the controversy. First, he wanted to establish the foundation upon which he would build his subsequent arguments. "I shall not consent to argue this as a moral question," he declared; "this question is purely a political one. This Government was not established to regulate moral questions, but to protect political rights."<sup>33</sup>

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<sup>32</sup> Ibid., 358-359.

<sup>33</sup> Ibid., 359.

Moreover, he added, "Nor shall I appeal to the benevolent disposition of gentlemen to regard with favor the exposed condition of our population."<sup>34</sup> He next proceeded with a convincing argument showing that the federal government had no right to interfere with the internal affairs of the South. The constitutional convention debates at Philadelphia, the Federalist Papers, and the speeches of Hamilton at the New York State Ratifying Convention were cited to prove the position of the founding fathers relative to the slavery question. It was on that basis, argued Hilliard, that the proponents of the Missouri Compromise of 1820 had settled the first great crisis.

Hilliard's reasoning epitomized the feeling of Southern congressional leaders throughout the ante-bellum period. Slavery, they held, was a political question, pure and simple. As such, the "peculiar institution" stood firmly entrenched behind a mountain range of constitutional precedents. The moral bullets fired by the North, according to the Southerners, could not shake the constitutional validity of slavery.

The one point which yet remained for Hilliard to discuss before taking up his proposed solution, was the relation between the North and the South. With an air of

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<sup>34</sup>Ibid.

bitterness he declared:

Either you denounce us as unworthy to associate with you as equal States because of the immorality of our institutions, or you seek to acquire over us a political advantage. We can submit neither to the one relation nor the other. If, with the spirit of Pharisee, you lift up your hands, and thank God that you are better than we are; if, turning your backs upon a region cursed with slavery, you survey with complacency your better heritage-we may submit with some composure to the exhibition; but if, overlooking all evils at home--the crime, the wretchedness, the pauperism in your midst, you enter upon an itinerant search after moral disorders at a distance, compassing sea and land to bring the slaveholders of the South under the influence of your fatal philanthropy; if, not content with hurling your anathemas against us, you bring the power of this Government to the aid of your schemes, we shall take measures to convince you of our fixed purpose to repel aggressions upon our political rights.<sup>35</sup>

Three factors make this passage important to the rhetorical critic and to the student of history. First, it contains one of the few disjunctive syllogisms which can be found in Hilliard's printed speeches. Secondly, in reminding the North first to clean up her own house before finding fault with that of others, the passage anticipated the famous Seventh of March speech of Webster. Finally, the announced purpose of increased Southern resistance, contained in the concluding sentence, indicated that Hilliard had not deviated far from his aggressive-defensive speech of December 13.

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<sup>35</sup> Ibid., 360.

The solution which he then recommended was the same as that which he had offered on several occasions before. He reiterated his belief that the original Missouri Compromise line of thirty-six degrees and thirty minutes should be extended to the Pacific Ocean. Summarizing his views he then said in conclusion:

The events of an hour may destroy the noblest fabrics. The oak, through whose branches the tempest has swept for a century, yields up its strength to a single flash of lightning. I desire, most earnestly desire, to save the Union. Those of us who contend for the rights of the South must not be charged with treason against it. We are the true friends of the Union; but we desire to maintain the Government in its purity. We cannot submit to the tranquillity which a despotism would impose. We hold that political truth is like revealed truth—let it first be "pure, then peaceable."<sup>36</sup>

There seemed to be an opinion in some quarters following the speech that Hilliard had strayed far from his Unionist moorings and that he had withdrawn his support from Taylor. He was denounced as an enemy of the Union, as will be noted later, by Edward Stanley, a representative from North Carolina. The Democratic press of Alabama, moreover, said that he had "arrayed himself against General Taylor."<sup>37</sup> That these charges were false, in Hilliard's opinion, is indicated by the following letter

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<sup>36</sup> Ibid., 361.

<sup>37</sup> Montgomery Alabama Journal, March 5, 1850.

which he sent to the editors of the National Intelligencer on February 23:

If there be within the United States a class of men who aim or desire to break up the Union which embraces the American States, I wish it to be understood that I do not belong to that class. My object has been, and still is, and shall be, the preservation of the Union; but I desire to preserve it in its spirit, in its power, and its glory. I wish to keep alive the soul which animates it, and without which it cannot exist--the Constitution. . . . There exists on the part of the Southern people a lively sensibility in regard to the slave question; and it is the settled purpose of a very large majority of them. . . . to suffer no encroachments on their rights in relation to the property which that question affects. It is not to be supposed for a moment that the Union can be maintained by force. . . . For one, I believe that there is patriotism enough in the country to save it--a patriotism which belongs alike to the North and to the South. . . . The trusty mariner who casts the lead from the vessel's side cannot make known the dangers which surround it; his notes of warning may interrupt for a moment the tranquillity of the crew; but, when they reach the deeper waters and the broader seas, they will hail him as their deliverer.<sup>38</sup>

The Courier des Etats Unis, an influential organ of the French population in the United States, published at New York, commented on Hilliard's letter in the following terms:

A Representative who enjoys a deserved Influence at the South, Mr. Hilliard of Alabama, has, among others, just put forth a note of warning, to which no prudent man should be deaf. Devoted without exaggeration to the interests which he represents, but also profoundly attached to the Union, Mr. Hilliard is one of those conciliatory persons whose voice should

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<sup>38</sup> Washington National Intelligencer, February 25, 1850.

command attention during the present crisis. . . . He brings back things to their just proportion; he states the grievances of the South, as well as the aggressions of the North. He exhibits the aims of the latter, and, without a boast or a threat, he points out, in terms of gravest import, the perils which the Union must run on that day when the South shall be driven to open resistance by the infringement of her dearest interests. Mr. Hilliard thinks there is patriotism enough in the majority. . . . to prevent matters from ever reaching this extremity. . . . The Representative from Alabama is nobly inspired when he holds this language.<sup>39</sup>

The occasion for Hilliard's next congressional speech was surrounded with unusual circumstances. Two days after Calhoun's telling address in opposition to the Compromise measures, Edward Stanley of North Carolina, rose to speak on the same broad subject in the House. But, unlike Calhoun and other congressmen from the South, Stanley saw no real danger to the Union in the Wilmot proviso. During his remarks Hilliard turned to a colleague to ask a question concerning the speech. Stanley, thinking that he heard Hilliard say that a particular statement was not true, declared in bitter tones: "I hope in the course of" my "remarks, to say a word to" my "friend from Alabama, who preached resistance" in his recent congressional speech.<sup>40</sup> His anger increasing with

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<sup>39</sup> Courier des Etats Unis, quoted in Montgomery Alabama Journal, March 19, 1850.

<sup>40</sup> Cong. Globe, 31st. Cong., 1st. Sess., 467.

each passing moment, he then levelled a charge which could not help but produce a strong reaction on Hilliard's part: "I hope the gentleman will not again pervert and desecrate the Scriptures, by quoting them for the purpose of urging civil war, and encouraging the citizens of the United States to shed each other's blood."<sup>41</sup> Chafing under what he thought were grossly unfair charges, Hilliard impulsively leaped to his feet and challenged Stanley to show how he had been disloyal and how he had desecrated the Scriptures by falsely using Biblical quotations. Stanley retorted: "There is a fair specimen of disunion preaching. A man professing to consecrate his life to the service of almighty God."<sup>42</sup> He could not complete the statement, for, according to the Globe, "the uproar in the Hall became very great, and the Chairman interposed to order."<sup>43</sup> The repartee continued for fourteen minutes, and since the hour was late the discussion was postponed until the following day.<sup>44</sup>

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<sup>41</sup> Ibid. <sup>42</sup> Ibid. <sup>43</sup> Ibid.

<sup>44</sup> A Washington correspondent for the Lafayette Chamber's Tribune sent the following account of a portion of the discussion which took place between Hilliard and Stanley: "Mr. Hilliard said Stanley must allow him to set him right. 'Must,' said Stanley, with a bitter contemptuous tone. 'You shall,' retorted Hilliard with firmness. 'Miserable devil,' hissed out Stanley in a sotto voice, looking directly at Hilliard. We were standing at the reporter's desk just behind Wilmot's seat and those disgraceful words reached us with perfect distinctness." Chamber's Tribune, quoted in Montgomery Alabama Journal, March 26, 1850.

Thus, on March 7--the day of Webster's historic address in the Senate--Hilliard delivered the most personal speech of his career. He explained in the opening remarks his relationship to the church:

The Methodist Episcopal Church, with which I have been connected since I attained manhood, devolves on certain of its members, engaged in the various pursuits of life, the duty of enforcing occasionally in public, the religious truths held by that body of Christians. This duty has been devolved on me by that church. I am not insensible to the criticism to which it subjects me; but such are my convictions in regard to the duty, that I have no purpose of relinquishing it, while I live. A sense of this religious obligation, has restrained me on all occasions, in my intercourse with society, from any departure from the most perfect courtesy. Since my connection with the Congress of the United States, I have habitually forborne to trespass on the rights, or even the feelings, of any of its members.<sup>45</sup>

Speaking of the two charges which Stanley had made against him, Hilliard next said:

Now, sir, I deny that I have on any occasion employed the Scriptures for the purpose which the member charges on me. Indeed, I have never drawn upon them, as I remember, for any purpose whatever in the debates of this House. I have never sought to vindicate slavery by a single quotation from them. . . . Much less, sir, have I at any time sought to bring the authority of the sacred volume to the support of violent measures. I distinctly and emphatically repel the charge.<sup>46</sup>

Had Hilliard stopped here the incident would have ended.

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<sup>45</sup> Cong. Globe, 31st. Cong., 1st. Sess., 484.

<sup>46</sup> Ibid., 485.

Even Stanley, in a moment of serious reflection, might have agreed with Hilliard's claim. In fact, Stanley said later that he had come to the House determined to forget the disagreement which had taken place the day before. But Hilliard's indignation was irrepressible. To call him a disunionist was a serious charge. To accuse him of using his clerical office for revolutionary designs was unpardonable. Thus, in a vindictive spirit, he boldly asserted to his colleagues:

Let my speech be examined, and it will be found that the charge of the member from North Carolina is without even the coloring of truth. It was, I am confident, hastily uttered. It proceeded from the unbalanced character of that member's mind, and his malignant disposition toward southern members who might be supposed ready to condemn his extraordinary course at this critical juncture. If I had thought proper to search the Scriptures for guidance at this time, I am quite sure that I should have found nothing in them to encourage an abandonment of duty by one who is entrusted by his constituents with the high functions of a representative, nor to favor a treasonable surrender, on his part, of the rights which he has chosen to uphold and defend. I am here as the representative of others. Their rights are committed to my keeping. Whatever I may encounter, I shall vigorously and faithfully contend for those rights. I find nothing in human or Divine teachings to encourage me to do otherwise.<sup>47</sup>

In a less vehement spirit Hilliard then pointed out that he spoke aggressively in Congress so that he could speak soothingly at home:

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<sup>47</sup> Ibid.

Sir, when at home, I did what I could to allay sectional feeling. I spoke for the Union; I pointed to its glorious ensign, floating in conscious pride over this broad continent, from the Atlantic to the Pacific, and borne by our adventurous seamen into all the waters of the globe. I urged the people who surrounded me, and to whom the wildest appeals were addressed by those who undertook to ride me down, to cherish a patriotic regard for the whole country; and I assured them that no act of aggression on their rights would be made by Congress, and that if it were attempted, the act would be arrested by the President of their choice. But, sir, standing here, in the midst of the representatives of other States, I have felt it to be my duty, to resist every measure which would be regarded by the people, for whom I speak as an encroachment on their rights or, their honor, and to urge upon this great body, representing the whole country, the views which they entertain of a question which so deeply affects them. To have done otherwise, would, in my judgment, have been a gross abandonment of duty--duty to my immediate constituents, and to the whole country. While I have thus aimed to do my duty here faithfully and efficiently, I have, in my correspondence with those I represent, contributed what I could to encourage a sound sentiment at home--to repress, rather than to excite dissatisfaction. I have stated my hope in the just action of Congress, and my confidence in the President.<sup>48</sup>

The noble sentiments expressed at various intervals in Hilliard's appeal were lost to Stanley. His mind was fixed upon the scathing words, "unbalanced character," which had been impulsively used. When his chance came to reply he said:

God help the conscience of these political parsons. I do not understand what their conscience is. I do not like this tame-snake way of doing business--this professed gentleness--yet this malignant attempt to wound. Let a man be either fish or flesh, politician

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<sup>48</sup>Ibid.

or parson, and we will know how to take him.<sup>49</sup> Then came the unkindest cut of all. Said Stanley: "He is one of those gentlemen, I doubt not, who desire to procure the eclat of the galleries, and the compliments of the ladies, for his sermons; and he comes here this morning to pour out his malice upon me."<sup>50</sup> With warm praise for the ministers of the Methodist Episcopal Church as a whole, he next asserted: "They are not like the gentleman from Alabama, who knows a great deal more about Vattel, Bynkershoek, and Grotius de Jure Belli, than of the Epistles of St. Peter, St. Paul, or St. James."<sup>51</sup>

Certain forces operated to make this heated discussion between Hilliard and Stanley an interesting one for analysis. In the first place, it clearly shows the tenor of the times. The slavery question had so penetrated the thinking of Northerners and Southerners alike, that members of Congress became obsessed with the idea of protecting their section against the possible encroachments by the other. True, Stanley, like Hilliard, was a Southerner, but he held Northern ideas. It was, moreover, a period in which logic often gave way to emotion; self

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<sup>49</sup> Ibid., 486.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

control yielded to impulsiveness. Men said in the heat of debate what they would not have dared say in moments of reflection.

The controversy was important, furthermore, because it shows Hilliard's violent reaction to a personal observation reflecting upon his integrity. Not since the campaign of 1840 had Hilliard made an attack upon the personality of a political opponent. Even then, however, his impulsiveness could be attributed partially to the impetuosity of youth. He had maintained throughout the bitter congressional campaigns of 1845 and 1849, and throughout his first two terms in Congress, a friendly feeling toward his most severe critics. Never during that period had he lost his composure while engaging in political discussion. But there was something different about Stanley's attack. It marked the first time that a political figure had labeled him a disunionist and a religious hypocrite. Thus, while he regretted his quick action on this occasion, Hilliard felt that his impulse was one "which every generous man will at once understand and excuse."<sup>52</sup>

But there was a positive side to the episode which

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<sup>52</sup>Ibid., 485.

should not be overlooked. It gave Hilliard an opportunity to place in clearer focus his state rights unionist views and to correlate his religious and political convictions. He held that it was his duty to protect at all times the rights of his constituents. But, in fulfilling this aim, he did not follow the lead of a surprisingly large number of Southern clergymen who tried to reconcile slavery with the Scriptures. More important to the rhetorical critic, however, was Hilliard's acknowledged intent to use a different appeal in Congress than the one which he used on the hustings in Alabama. While in Congress it was his purpose to uphold the rights of his constituents at almost any cost; while in Alabama, on the other hand, he preached the theme of unionism in the face of almost insurmountable opposition.

Meanwhile, the Calhoun-inspired Nashville Convention was under discussion in the South. The idea of a Southern convention had stemmed from Mississippi's interest in Calhoun's suggestions for a uniform Southern rights policy. Accordingly, the leaders of that state, meeting in Jackson in October, 1849, sent out an invitation to all Southern states to attend a convention to be held on the third of June, 1850, at Nashville.<sup>53</sup> The idea was well received at

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<sup>53</sup> Cole, Whig Party in the South, 149.

first; and during the great Speakership controversy in December, the pending convention took on added significance.<sup>54</sup> Following the discussion on the compromise measures in the Spring of 1850, however, interest in the meeting dwindled. Most of the Southern Whigs and conservative Democrats began to doubt the expediency of the convention. Near the end of March Hilliard wrote to a friend in Tuskegee:

As to the Nashville Convention, my opinion, as things now stand, is against it. I adhere to the position taken by me last summer--that no convention ought to be held in advance of some act of aggression on the part of the government. The most the legislature should have done, was to agree upon some clear, sensible, firm resolutions upon the subject, and empower the Governor, in the event of an aggression, to call a convention of the people to consider the question in all its bearings--the wrong--the remedy. I quite agree with you that there was not authority on the Legislature to appoint delegates. . . . We shall settle the question. California will be admitted and the other portion of the territory organized without the proviso.<sup>55</sup>

By May, indifference had become so great that delegates were asked to state publicly whether or not they intended to go to Nashville.<sup>56</sup> When the Convention finally

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<sup>54</sup>The Alabama legislature on February 6, 1850, appointed thirty-six delegates to attend the convention, Montgomery Alabama Journal, February 12, 1850.

<sup>55</sup>Tuskegee Macon Republican, April 4, 1850.

<sup>56</sup>Avery Craven, The Coming of the Civil War, (New York, 1942), 264.

met in June only nine states were represented.<sup>57</sup> Under such circumstances little was accomplished. Rhodes, in his History of the United States from 1850, mentioned the convention "more from the hopes and fears it had excited than from its active or enduring effects."<sup>58</sup> Craven viewed the failure of the Nashville meeting as a removal of "the last serious barrier to compromise."<sup>59</sup> But, while the South was paving the way for the ultimate passage of the compromise resolutions, Taylor and the anti-slavery leaders of the North remained adamant in their opposition to the measures. Not until Taylor's sudden and unexpected death in July was there any real hope of a final settlement short of war. Under the leadership of Fillmore, a Northern man with Southern sympathies, it became only a matter of time before the issue would be solved.

In this crisis, Hilliard delivered, in the summer

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<sup>57</sup>Dorman has observed that "only twenty-one of the thirty-six delegates appointed to represent Alabama. . . . attended. Of these fourteen were Democrats and seven were Whigs. Six of the delegates were from north Alabama, twelve were from the Black Belt, and three were from Mobile. Twelve of them were lawyers, six were planters, and the remainder were merchants or physicians. These delegates represented the conservative sentiment in Alabama. Mr. Yancey and the radical State Rights men refused to participate in the Convention." Dorman, Party Politics in Alabama, 44-45.

<sup>58</sup>Rhodes, A History of the United States from 1850, I, 174.

<sup>59</sup>Craven, The Coming of the Civil War, 264.

of 1850 two congressional speeches. The first was occasioned by Taylor's death; the second dealt with the boundary of Texas and New Mexico. Although Hilliard had differed with Taylor over the California question, he had not, like many of his Whig colleagues in the South, lost confidence in the president's leadership. In his brief eulogy, delivered on July 10, he praised Taylor for the "high sense of duty which characterized his whole life."<sup>60</sup> He then added:

He kept his faith with all men. You might dissent from his opinions--you might find fault with his judgment, but when, he took his position, he kept it--his sense of duty sustained him, and opposition only served to make him the more steadfast in holding it.<sup>61</sup>

But Hilliard had another motive in the speech besides praising the steadfast qualities of Taylor. He hoped that the death would soften sectional feeling, and thereby be a means of bringing the North and the South closer together:

It is an interposition of Providence; and it comes to us in a trying hour. But I am not dismayed. My trust in Providence is unshaken. Our country has been delivered, guided, made glorious, by a good Providence. It will be so still. . . . The dangers which threaten us will be averted, and, I trust, forever disposed of. The solemn event which has just occurred, will arrest the angry current which has swept us on so fiercely. It imposes a truce at least for a season, upon con-

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<sup>60</sup> Cong. Globe, 31st Cong., 1st. Sess., 1368.

<sup>61</sup> Ibid.

tending parties. In the mean while, a better feeling may spring up, and we may ask, "Why do we struggle with each other? Are we not brethren?" The Nation will be impressed with the bereavement which it has suffered, and the tide of sorrow which sweeps throughout the country will admonish us to agree in wise, patriotic, and fraternal counsels. The very event which we deplore, and which we regard as a calamity, will be overruled for good; and He that sitteth on high, mightier than the water-floods, will put forth his power and cause a great calm.<sup>62</sup>

In this address it seems clear that Hilliard, mellowed by the compromise discussions and by Taylor's death, had put aside the aggressive-defensive policy which had characterized his speaking in the early winter.

Hilliard's only major congressional address on the compromise resolutions dealt with the boundary dispute between New Mexico and Texas. For months Texas had demanded a portion of New Mexico, which according to an earlier treaty, supposedly belonged to her. Taylor, however, emphatically rejected the validity of this claim. At the moment of his death he was drafting an address recommending that California and New Mexico be admitted into the Union immediately, and denying the right of Texas to assume additional area. The Senate early in August passed a resolution restricting the boundary of Texas, but with the provision that the United States would assume the

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<sup>62</sup>Ibid., 1369.

additional area. The Senate early in August passed a resolution restricting the boundary of Texas, but with the provision that the United States would assume the Texas debt of ten million dollars. This bill was introduced in the House, and on August 28, Hilliard spoke in its favor. Actually Hilliard believed that the entire claims of Texas were justified, but he was willing to accept the compromise settlement recommended by the Senate. "So far from being ready to vote at this time to reject the bill," he asserted, "I intend to give it my support."<sup>63</sup> But he planned to do so only if he could "be satisfied that the territory cut off from Texas will not be subjected to some act of legislation by Congress, hostile to the interests of the southern people."<sup>64</sup>

Hilliard then set forth two reasons why he favored the bill: "In the first place, it will promote the interests of Texas; and in the second place, it will give peace to the whole country."<sup>65</sup> In support of the latter point, which to Hilliard was of prime concern, he reiterated his unionist views and again placed upon the shoulders

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<sup>63</sup> Cong. Globe, and Appendix, ibid., 1191.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

of the North the burden of settling the great sectional controversy.

If there be those in any part of our wide-spread limits, North or South, who are striving to divide this growing empire; who seek to magnify rather than to remove the causes of disagreement; who utter unceasing complaints against the Government for the abuse of its powers, and reject all measures of redress, -I have no sympathy with them. The responsibility of perpetuating the existence of the Government, rests mainly on the North. It holds the destiny of the country in its hands. I appeal to gentlemen from that section of the Union to come up at this critical hour, when the eyes of the nation are turned upon us with mingled anxiety and hope, and adjust the unhappy controversy which has so long disturbed our councils. The crusade which has been carried on against the institutions of the South must be abandoned. If persisted in, it will precipitate us into struggles which may end in the destruction of the republic.<sup>66</sup>

In a concluding appeal, sound in judgment and rich with prophecy, Hilliard again clarified his position on the pending struggle and accurately predicted the misery which would follow a dissolution of the Union.

Mr. Speaker, I have never permitted myself to look to a destruction of the Government, as a remedy for existing evils. I have not sought to explore the dark and perilous future which lies beyond the hour of separation between these States, bound together by so many ties. I have a sincere desire to preserve the Union. Its disruption would involve the North and the South in common ruin. Rival states, with standing armies, and fortresses bristling with guns erected upon streams, now flowing in peace between kindred States; conflicting interests; heavy commercial regulations fettering trade now untrammeled--all this would replace the wide scene of

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<sup>66</sup> Ibid., 1192-1193.

prosperity and happiness which now salutes the eye as it surveys the whole extent of our country. Nor would this be all: rival states would soon become belligerent States, and armies would be employed to decide the supremacy between them.<sup>67</sup>

In his lone speech on the compromise measures, Hilliard had discussed the most serious sectional dispute of all--the controversy between New Mexico and Texas. It would seem, furthermore, that he was correct in assuming that war would result in case the issue were not satisfactorily resolved. "If General Taylor had lived," Webster told Hilliard, "we should have had civil war."<sup>68</sup> For Webster believed, according to Hilliard, "that the contest between Texas and New Mexico, in regard to a boundary line, would have risen to such a height as to lead to a conflict of arms."<sup>69</sup> Fortunately, the House, a short while after Hilliard's speech, passed the Senate compromise resolution; and, when it further passed the Senate bill for the abolition of slavery in the District of Columbia on September 17, the enactment of the great sectional adjustment was complete.

Hilliard, along with other Southern Whigs, felt

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<sup>67</sup> Ibid., 1193.

<sup>68</sup> Hilliard, Politics and Pen Pictures, 231.

<sup>69</sup> Ibid.

that the compromise measures were the salvation of the Union. On the night after their passage, he, along with General Winfield Scott, went to Webster's home to offer congratulations. While he was there, a large crowd serenaded Webster's home, calling for the new Secretary of State to make a speech. "At its conclusion," states Hilliard, "some of those in front of the house recognized me and called me out. I made a brief speech, expressing my great gratification at the success of measures so important to the peace and prosperity of the whole country."<sup>70</sup> This night would long be remembered by the fire-eaters of Alabama who regarded Hilliard's visit and brief speech as proof of his betrayal of the South.

Since the interval between the first and second session of Congress was brief, Hilliard decided not to return home. He went to New York, instead, for a short vacation. During his visit he was asked to speak before the American Institute at Castle Garden. Although there was little opportunity for preparation of an extensive address, he accepted the invitation on the grounds that he "thought it a proper occasion to contribute something to the encouragement of a national sentiment throughout the

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<sup>70</sup> Ibid., 233.

whole country."<sup>71</sup> The speech, delivered on October 14, presents an interesting study in adaptation. The audience was comprised of business men representing the higher echelons of industry, and, in addition, a large group of skilled mechanics and laborers. As a result, the relationship between government and industry and between industry and labor were ideal subjects for consideration. But the interest of the audience extended beyond economic matters. They were also concerned with the closely allied and timely subject, the recently enacted compromise measures. These two topics, therefore, constitute the division of Hilliard's brief speech.

Hilliard disarmed his listeners in his opening remarks by meeting them on common ground. He recited the ties which bound the North and the South together. Having established rapport, he proceeded to the first phase of his discussion: the relationship between government and industry, saying: "The common government ought to grant a wise, moderate, and steady protection to American industry."<sup>72</sup> Inspired at what he had seen on the grounds upon which he now stood, he declared:

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<sup>71</sup>Ibid., 235.

<sup>72</sup>"American Industry," Hilliard, Speeches and Addresses, 350.

When I entered your Fair to-night, I found that you are employed chiefly in the production of useful articles. I find here the plow, the scythe, the axe, and among these the manufacture of our looms. Of all the branches of human industry and specimens of excellent skill, the great elements I see are those of power--mighty industry, spreading happiness over the land.

Hilliard next defined in general terms his economic philosophy:

This is the great picture which America presents-- industry diffusing wealth among the masses. It is a glorious spectacle of wide-spread happiness. The tendency of our institutions is to diffuse wealth rather than to concentrate it in a few hands, and I rejoice that it is so. But understand me; wealth is entitled to protection as well as industry. I have no sympathy with that class of reformers who would strip the wealth of their possessions, and scatter them abroad in the vain hope of augmenting the sum of human happiness by destroying the great principles which bind society together. Far be it from me, gentlemen. I would have every man enjoy his individual property. I am for that sort of industry which spreads wealth among the laboring classes, and elevates them gradually to the scale that rises above them.<sup>75</sup>

From the foregoing remarks it seems clear that Hilliard still held the laissez-faire doctrine which he had embraced during his formative years at South Carolina College.

Now that Hilliard had paid his respects to industry in general, he turned to the subject which concerned him most. As has been stated, his real purpose in speaking was to promote a feeling of national sentiment. Particularly,

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<sup>75</sup> Ibid., 351.

he wanted the North and the South to respect each other's rights. On this point he said:

And now, gentlemen, allow me to say, speaking to you as a Southern man, that the diversified interests of our great country must all be respected. There must be no war made by the South upon the property and the industry of the North, nor must there be any war made by the North upon the property and the industry of the South. I appeal to you, Mr. President, distinguished as you have been in public life, personal character and mind, to hear me, when I utter this great truth. We must make no war upon your property and industry, and you must make no war upon ours. This is the great conservative element of our Union; it is only upon this grant that we can hold together as a general government. We are one people, with a common origin; our interests, however diversified, are yet kindred and dependent; our history and our destiny are the same. While we understand each other in this respect, there is no difficulty in upholding the government. I am a Southern man by birth, by education, by innumerable and indestructible ties; my ashes will mingle with Southern soil; but my heart beats with exultation, which I should attempt in vain to express in words, when I survey the growth, the prosperity, and the rising glories of this whole country. Your resources, great as they are--your wealth, teeming as it is--this magnificent display of mechanic art--none of this awakens within me any jealousy or unworthy feeling. I rejoice in your prosperity; I would cheer you in the bright career which opens before you; all this constitutes a part of the power, the glory of my country; and I look forward to the day when, in the midst of the great agricultural regions of the South, a varied industry will appear to add new embellishments and new riches to a region for which Providence has already done so much. Our manufacturing establishments are multiplying, and will, I hope, soon rival yours. My own state is making rapid progress in this way. It is with this feeling that I greet you this evening--an American citizen addressing American citizens!<sup>74</sup>

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<sup>74</sup> Ibid., 353-354.

Hilliard on this occasion was a genuine Southern emissary of good will. The undertone of his argument was that the industrial North should look with sympathy toward the less prosperous but rapidly improving economy of the South. Like most Southerners, he was sensitive to the charge that the South was a one-crop economy. He, therefore, played up the almost imperceptible trend toward diversification of agriculture and industry which was taking place. The continued progress of that trend, he believed, depended largely upon the leaders of the North. Such reasoning was not too different from that used by Henry W. Grady in his speech, The New South in 1886. Both Hilliard and Grady, in pleading for a closer cooperation between the sections, had as their immediate purpose the welfare of the South. Both sincerely believed that a prospering South would mean a stronger nation.

Hilliard's solution was simple:

When a crisis comes which appeals to our sectional sentiments--a crisis which would array the North against the South--let us rekindle our patriotism, by going back to the scenes in which the great and the good men took part who formed the Constitution, and we shall learn from them to deal with each other as members of the same great family, and to cherish a patriotism broad enough to embrace our WHOLE COUNTRY.<sup>75</sup>

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<sup>75</sup> Ibid., 355-356.

He then closed his address with an expression of appreciation for the "very cordial manner in which" the audience had "responded to the sentiments which" he had presented.<sup>76</sup>

By the winter of 1851, Hilliard was held in high esteem by the conservative leaders of the North. Consequently they extended to him invitations to speak at great public gatherings in honor of the passage of the compromise measures.<sup>77</sup> Congress, which was then in session, however, made it difficult for him to leave Washington. His non-congressional activities, therefore, were limited to one speech, delivered at the Music Fund Hall in Philadelphia on the third of January.<sup>78</sup> His address entitled "The American Government," was doubtless an outgrowth of the lecture which he had given to the Mercantile Library Association in Boston. In fact, there is strong internal evidence to show that the two speeches were almost identical. The central theme of each was the relations between the government and the people of the United States. Although the lectures were delivered two

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<sup>76</sup>Ibid.

<sup>77</sup>Hilliard, Politics and Pen Pictures, 246.

<sup>78</sup>The discourse appears in Hilliard, Speeches and Addresses, 357-382.

years apart, there were no specific references in the discourse at Philadelphia to the intervening events. There were, of course, some general statements which might be construed to refer to the sectional adjustment of 1850. Despite the fact that there are no newspaper accounts of the Philadelphia lecture, and notwithstanding the fact that Hilliard made no allusion to his trip in his memoirs, the speech is extremely important to the student of Hilliard's rhetoric. For it is the clearest and most detailed exposition of his political philosophy that can be found in his speeches.

Two main ideas were developed in the speech: first, the rights which the public confers upon its citizens; and secondly, the duties which the citizens owe to the republic. Relying chiefly upon the Constitution, Hilliard summarized the rights of the individual under the following four headings:

- (1) The supreme power belongs to the people.
- (2) Civil liberty is not dependent upon the administration in power.
- (3) Every person is given an equal opportunity to social and economic advancement.
- (4) All citizens are granted the freedom to worship God according to their conscience.

The first of the above propositions is of especial importance, for Hilliard used it as a lever to introduce the doctrine of state rights. He used the term "people" synonymously with that of "state," as can be seen in the following argument:

Sovereign and independent states are united in a confederacy which wields a few great powers affecting both our foreign and domestic relations, while the state governments, or the people themselves, hold the entire authority, which has not been conferred upon the federal government. . . . Our political system is not a consolidated one, confiding all power to the general government. As a despotism is the simplest of all forms of government, conferring absolute power upon a single individual, ours is the most complex of all forms, subdividing, balancing, and checking the powers vested in its several parts.<sup>79</sup>

To support this argument, so important in the South in 1851, Hilliard cited the testimony of Alexander Hamilton. "I quote him the more freely," said Hilliard, "for he will not be suspected of conceding too much to the doctrine of state sovereignty."<sup>80</sup>

The second major division of the lecture dealt with the responsibility of the citizen to the state. In discussing this phase of his subject, Hilliard, combining the duties of the layman and the public servant, set forth the following requirements:

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<sup>79</sup> Ibid., 362-363.

<sup>80</sup> Ibid., 363.

(1) It is incumbent upon the citizen to learn about and to participate in the affairs of the government.

(2) The claims of the country should always be placed above the interests of a party.

(3) All political questions should be settled "by the moral power of public sentiment" rather than by "brute force."<sup>81</sup>

(4) A statesman should exhibit the essential trait of independence.

(5) Leaders and the masses alike should be obedient to the law.

(6) Loyalty to the christian religion should be demonstrated by all citizens.

Significantly enough, Hilliard, in his analysis of the fifth proposition--the obedience to law--again turned to the theory of state sovereignty. Using the Constitution as a basis for his argument he said:

The Constitution is the strength of the government and the bulwark of personal liberty; it must be upheld. He who violates it is false to his country, to himself, and to his race. It can only be preserved by cultivating a profound regard for its spirit. A latitudinarian construction is as fatal to it as open violence; it is but a choice between poison and the sword. Some of the difficulties which are experienced

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<sup>81</sup> Ibid., 371.

in administering the government arise from its complex character. To the general government certain enumerated powers have been committed; these, upon a fair construction, are to be employed in good faith for the general welfare: the states have reserved great rights; these, are to be sacredly observed.<sup>82</sup>

Though Hilliard believed in a strict construction of the Constitution, he recognized the need for curbing the powers of the state. He feared on the one hand that the consolidation of too much power in the general government would lead to centralization. Equally significant, however, was the danger that uncontrolled state sovereignty would possibly result in disunion. To avoid these dangers, he urged the necessity of standing by the Constitution. In brief, Hilliard was suggesting to the extremists in both sections to adopt a policy of moderation which had its origins in the teachings of the founding fathers.

Following his philosophical address on "The American Government," Hilliard returned to Washington to close out his congressional career.<sup>83</sup> There were no longer any great sectional issues threatening the peace of the country. The compromise measures had come to be viewed

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<sup>82</sup> Ibid., 377.

<sup>83</sup> Hilliard had written to his constituents in early December that he had no intention of running for another term in Congress. Washington National Intelligencer, December 7, 1850.

by the majority of the members of Congress as a permanent settlement of the slavery question. The resolutions were, of course, unsatisfactory to the abolitionists of the North and to the fire-eaters of the South; but these groups were in the minority. In this period of relative tranquility, Hilliard delivered two brief speeches. The occasion of his first remarks was the discussion on the policy of the Government toward the Indians. Taking the rostrum on February 20, 1851, Hilliard asserted that the United States had almost completely disregarded the rights of a feeble and defenseless people. He appealed, therefore, for a conciliatory Indian policy based upon the precepts of Christianity.<sup>84</sup>

The second address was a vindication of Webster. During the discussion on the payment of the indemnity due to Mexico, the Free Soilers, still chafing under the sentiments of the Seventh of March Speech, made a surprise personal attack upon Webster. This occasioned a response from Hilliard. Thus, in his farewell speech to Congress, delivered February 25, Hilliard assumed the role which he had played on his entry into the House. He came forth as a Southerner to defend the personal character and public

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<sup>84</sup> Cong. Globe and Appendix, 31st. Cong., 2nd. Sess., 621-622.

record of Webster, who, in 1851 as in 1846, was the target of Northern malcontents. Hilliard went to the heart of the issue as he said:

I cannot but believe that it was because of the grand and patriotic position into which that statesman [Webster] threw himself at that moment in our history with so much peril to himself that he encountered the hostility which has expended itself this evening. The world will come to this conclusion. He placed everything at stake for the cause of his country, and notwithstanding attacks of this kind against him, the fame which was resplendent before, will go down to posterity with a still richer lustre than it could have obtained but for the courage which he displayed upon that occasion. He stands out before the eyes of mankind now in a more glorious and far grander position than he could have occupied but for the stand which he took at that darkest moment of our fortunes. For one, as an American, I thank him for his courage; as a southern man, I am grateful to him for his self-sacrificing patriotism. . . .<sup>85</sup>

With these remarks in vindication of his long-time friend, Hilliard completed his speech-making in Congress. His six years in Washington had been marked by a series of crises: the Oregon controversy, the War with Mexico, the Wilmot proviso, and the compromise measures. At the center of each crisis was the irrepressible slavery issue. Fraught with danger to the Union, slavery became the major speech premise of congressional orators. That this issue overshadowed all other national and international questions of the period is evidenced by Hilliard's own analysis of his course in Congress. As a key figure in the House for

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<sup>85</sup> Ibid., 688.

three successive terms, he had participated freely in the discussion of all leading domestic and foreign policy questions. Yet, when he reviewed his activities, he spoke only of the position which he had taken on slavery:

In reviewing my course in Congress I wish to state that during the excited discussion which occurred upon the subject of slavery, I never attempted to argue it as a moral question. I forbore to treat it in that light, without any reference to my sentiments in regard to it, but upon the ground that to argue slavery as a moral question before Congress would be to admit the jurisdiction of that body over the subject. I took the ground that the institution of slavery existed within the Southern States before the organization of the general government, and that it was independent of its control. No power conceded to the government granted to it any jurisdiction over that question. Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, were reserved to the States respectively, or to the people. Always regarding this fundamental provision in the Constitution as of the greatest importance to the States throughout the Union, and especially to the States of the South. I steadily adhered to it. I never conceded the right of Congress to treat slavery as a moral question, or to discuss its policy. Always ready to recognize and uphold the powers of the general government in their fullest exercise, and believing that the interests of the people of the South were safer within the Union than they could be outside of it, I regarded it as the truest policy to resist firmly on every occasion any attempt on the part of Congress to transcend the authority which it derived from the Constitution.<sup>86</sup>

The above statement, corroborated by numerous Congressional speeches, campaign addresses, and lectures, serves as an appropriate summary for Hilliard's ideas on slavery.

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<sup>86</sup> Hilliard, Politics and Pen Pictures, 247-248.

Thus Hilliard was a devotee of the Union as well as of Southern rights. His services, along with those of Toombs, were essential in securing the enactment of the compromise measures. His vociferous opposition to the Wilmot proviso in December and in February helped prevent the radicals of the North from gaining control of the legislative program. Finally, his endorsement of the whole group of compromise resolutions in the late summer of 1851 helped influence wavering Southerners. When the measures were eventually passed, he spoke in the North for the purpose of promoting a national sentiment. In short, Hilliard ranked with Toombs as one of the most influential Southern Whigs in the House during the six years from 1845 through 1851. While numerous factors contributed to this effectiveness, Hilliard's careful analysis of the Southern mind and his oratorical ability played the leading roles. Throughout the crisis he spoke often and vehemently. Recognized as one who could place issues in their perspective, he was heard with interest by the conservative elements of the North as well as those of the South.

## CHAPTER IX

### HILLIARD VS. YANCEY: PRELUDE TO THE CIVIL WAR

The enactment of the compromise measures in September, 1850, by no means settled the great sectional controversy. The heated congressional debates lasting for nearly a year had so stirred the emotions of the people of the Lower South that they were likely to move for Southern independence. To check and control this movement was the task of Southern Whigs and moderate Democrats. In the state of Alabama, where the secessionist spirit was perhaps strongest, Hilliard championed the cause of the Union. Whether or not Alabama was to secede depended largely upon his efforts.

Secessionist sentiment began to emerge in Alabama in the winter of 1848 when Yancey wrote the Alabama platform denouncing the aggressive doctrine inherent in the Wilmot proviso. The movement received an added impetus during the congressional campaign of 1849. So serious had the danger of secession become by July, 1850, that the Macon Republican filled its columns with arguments in support of the compromise, and, in doing so, urged the women

readers to develop an interest in politics.<sup>1</sup> In October, Yancey, the relentless champion of Southern rights, left no doubt where he stood on the compromise. He told the leaders of Butler County:

Congress has proceeded as calmly and deliberately to consummate this great fraud upon the South as if the people had never remonstrated against the wrong --in fact, as if it was in full accord with our wishes. Congress has boldly tendered it--submission or secession. I have no doubt but that it will be as boldly met by the people; and that being denied equality in the Union, they will maintain independence out of it. But we can do nothing save through a convention of the people of the States. . . . I am for action, gentlemen, and not talking. At this time, action is eloquence. Our most efficient means of action will be found in the organization of the people in Southern Rights Clubs.<sup>2</sup>

The fire-eaters of southeastern Alabama, led by the "Eufaula Regency," went even further than Yancey had suggested. A group of professional men and planters, assembling at Eufaula on October 22, demanded that the state legislature be called in special session for the purpose of taking steps that would protect the rights of Alabama.<sup>3</sup>

Hilliard and other unionist leaders of Alabama viewed these events with alarm. On November 14, Hilliard wrote the following warning: "Farther agitation. . .

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<sup>1</sup>Tuskegee Macon Republican, July 25, 1850.

<sup>2</sup>Huntsville Democrat, October 17, 1850.

<sup>3</sup>Eufaula Spirit of the South, November 5, 1850.

must mean either repeal or revolution. In my judgment the Southern people should undertake neither. . . . It is far more important to uphold the great principles of the government, than it is to succeed in any temporary struggle."<sup>4</sup>

As discussion continued it became increasingly clear that new party alignments were being formed. The traditional parties, the Whigs and the Democrats, no longer represented the true sentiments of the voters of Alabama. Thus, confronted with a choice between unionism and secession the people crossed over party lines in their desire either to uphold or to condemn the compromise. Those who favored the adjustment formally organized a Union Party on January 9, 1851. The Southern ultras, on the other hand, joined forces to form a Southern Rights Party in early February.

The Union Party Convention, comprised primarily of residents from the Black Belt counties, passed resolutions on January 9 endorsing the compromise and denouncing the theory of secession. To protect themselves against the possible charge of submission, however, they upheld the right of revolution.<sup>5</sup> One month later

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<sup>4</sup>Tuskegee Macon Republican, November 14, 1850.

<sup>5</sup>Dorman, Party Politics in Alabama, 49.

ninety-seven delegates, most of whom were Democrats from the Black Belt,<sup>6</sup> met at the first Southern Rights Party Convention. The position of the convention with respect to secession was expressed in the following resolution supposedly written by Yancey:

We would not now declare that Alabama should secede at any particular time, but simply that it is her duty to prepare for secession; and that if any other Southern state secedes, good faith to such State requires that we should sustain her by all means within our power, and should likewise secede.<sup>7</sup>

When the Southern Rights Party convened in Montgomery in the following May, Yancey placed the question of secession in clearer focus by claiming "that the only issue before the people was secession."<sup>8</sup>

In the spring of 1851, therefore, the issue was clear in Alabama. The voters had to choose between two alternatives. Either they would express confidence in the national government by endorsing the compromise provisions, or they would follow the example of the leaders of South Carolina and prepare to secede from the Union.<sup>9</sup>

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<sup>6</sup>Ibid.

<sup>7</sup>Huntsville Democrat, April 10, 1851.

<sup>8</sup>Hodgson, The Cradle of the Confederacy, 304-305.

<sup>9</sup>Ibid., 305.

Hilliard and Yancey were the leading figures in this pending contest--one which may aptly be called a prelude to the Civil War. In view of their renowned political experience and rhetorical skill, they, as might be expected, were urged to run for a new term in Congress. But both refused. On December 3, 1850, Hilliard sent a letter to his constituents informing them of his plan to return to private life. Believing that the slavery question had been completely settled, he felt that his obligations to the people of the Second Congressional District had been fulfilled.<sup>10</sup>

There were other reasons why Hilliard did not choose to be a candidate for a fourth term. He told Nathan Appleton on December the 20th:

I am so tired out with the House that I thought it best to announce in a positive way my determination to retire from it. If at some future day I am to be sent to the Senate--I shall very cheerfully return to Congress, otherwise I am done with it. The discomfort of living in Washington is not small, and one cannot very well arrange to take a House for a single session or two.<sup>11</sup>

Moreover, he had a strong desire to return to Diplomatic service. As early as November he had written Fillmore

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<sup>10</sup>Hilliard, "Address to Constituents," Washington National Intelligencer, December 7, 1850.

<sup>11</sup>Hilliard to Appleton, Washington, December 20, 1850, Appleton Papers.

requesting an appointment to a foreign mission.<sup>12</sup> In March, 1851, he repeated this request in letters not only to Fillmore but to Webster, who was at that time the Secretary of State. Webster replied on April 7th saying that the only vacancy existing in Europe was the ministership to Russia. But, since Pennsylvania, a great supporter of the Whig cause, had no representation in the diplomatic field, it seemed expedient to appoint someone from that state. Obviously attempting to soothe Hilliard's feelings, Webster then added:

Will you allow me to further suggest, My Dear Sir, that this term of administration is already half out. If you should now be appointed, and the next election should bring a political change you might be recalled before you were warm in your seat. We have another struggle to go thro! In that contest you will be needed, you will be wanted in the election and especially wanted in the convention, by which a candidate, under whatever title, may be designated. You need not doubt, that so far as depends on me, if success attends our efforts, you will be put in a better situation, than amidst the snows of Russia.<sup>13</sup>

Nevins has regarded this letter as a desire on Webster's part to advance his own political fortunes.<sup>14</sup>

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<sup>12</sup> Hilliard to Millard Fillmore, Petersburg, Virginia, November 5, 1850, Correspondence received by Millard Fillmore, as Vice-President and President, March 1849, to March 1853; Buffalo Historical Society, Buffalo, New York. Cited hereafter as Letters to Fillmore.

<sup>13</sup> Daniel Webster to Hilliard, New York, April 7, 1851, in Daniel Webster, Writings and Speeches, 18 vols. (Boston, 1903), XVI, 607.

<sup>14</sup> Allan Nevins, Ordeal of the Union, 2 vols. (New York, 1947), II, 23.

Webster respected Hilliard's campaign ability, and, consequently, felt that the Alabamian would be of greater service to the Whig cause if he were to remain in this country. Hilliard apparently felt otherwise. He replied to Webster in a bitter vein:

For years past, I have borne the heaviest part in the struggles of the Whig Party in Alabama, and I have contributed more to its triumphs than any other person in the State--This can be most satisfactorily shown. In the late canvass for the Presidency before the Convention met--in Convention--and after that body disbanded, my services were such as to give me a relation to the Administration which no other man in Alabama holds. During General Taylor's Administration, leading men of the Whig Party throughout the United States in conversation and letters expressed to me and to others, their sense of my services and their wish that I should receive a mission.<sup>15</sup>

He then maintained that if he were forced to relinquish politics altogether and return to law, his influence on behalf of the Whig Party would of necessity be greatly lessened.

The next day Hilliard wrote to Fillmore expressing similar views. He complained that Alabama had been grossly neglected--not a single citizen held a position of dignity out of the State. In answer to the argument that he was needed in the coming election, Hilliard replied:

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<sup>15</sup>Hilliard to Webster, Montgomery, Alabama, April 21, 1851, Daniel Webster Papers, New Hampshire Historical Society, Concord, New Hampshire.

"If I were abroad my influence would be quite as potential, as it can be if I am to remain at home and engage in the labors of my profession. I confidently state that my influence over the press of this State is greater than that of any other public man; and this influence can be exerted quite as efficiently while I am in Europe."<sup>16</sup>

From this correspondence it seems clear that Hilliard was concerned about his political future. Apparently he had resigned his congressional seat thinking that he would receive some type of foreign mission--preferably the one to St. Petersburg. Hilliard sincerely believed that his services to the Whig Party had earned for him the right to serve again his country abroad. Possessing a high degree of vanity, he perhaps was flattered by Webster's insistence that he was needed in the coming campaigns. But he was confronted with a vexing problem. How was he going to earn a livelihood? Either he had to return to the bar or re-enter the diplomatic service. And the bar, as has been noted, had little appeal for him. As Hilliard awaited a decision on this vital matter, he was unaware that he would soon engage in the bitterest political struggle of his career.

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<sup>16</sup>Hilliard to Fillmore, Montgomery, Alabama, April 22, 1851, Letters to Filmore.

In April, 1851, the District Convention of the Southern Rights Party met in Clayton and nominated Yancey for Congress.<sup>17</sup> But Yancey, devoted as he was to the South, had no desire to accept a public office. Consequently, the Southern Rights Party selected another secessionist, John Cochran, to be its standard-bearer. In the meantime, the Unionists had nominated James Abercrombie, a Whig, to be Hilliard's successor. It soon became evident, however, that these nominees were to play but minor roles in the important struggle.<sup>18</sup> After an extensive survey of the district, the Unionists felt that they could not cope with the secessionist sentiment unless they employed the services of Hilliard.<sup>19</sup> Notwithstanding the fact that Hilliard was discouraged with his political status, he consented to help. Within a few days he published a list of twelve speaking appointments.<sup>20</sup>

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<sup>17</sup> Hodgson, Cradle of the Confederacy, 302.

<sup>18</sup> When the discussions between Hilliard and Yancey began a short while later, "the two candidates for Congress," observed Hilliard, "stood aside, and were never present." Politics and Pen Pictures, 254.

<sup>19</sup> Ibid., 250.

<sup>20</sup> Montgomery Alabama Journal, June 21, 1851, observed that "Mr. Hilliard. . . may be expected to address the People upon the present condition of the country at the following places: Union Springs, Macon Co., Tuesday, July 8; Enon, Macon Co., Wednesday, July 9; Glennville, Barbour Co., Thursday, July 10; Camp Ground, Henry Co., Monday, July 14; Columbia, Henry Co., Wednesday, July 16; Woodville, Thursday, July 17; Abbeyville, Henry Co., Saturday, July 19; Skippersville, Dale Co., Tuesday, July 22, Louisville, Barbour Co., Wednesday, July 23; Clayton, Barbour Co., Thursday, July 24; Feagan's, Barbour Co., Saturday, July 26; Missouri, Pike Co., Tuesday, July 29.

As soon as the itinerary was announced, the Southern Rights leaders urged Yancey to meet Hilliard in debate. Hilliard emphatically stated that he had no intention of entering a heated contest, since he was not a candidate for office. This prompted the secessionist organ, the Montgomery Atlas and Banner, to denounce Hilliard's position as "the miserable language of the sneaking, designing, unprincipled demagogue, whose sole object. . . is to dupe, to cheat, bamboozle, and mislead the people in reference to the leading questions now before the country."<sup>21</sup> The Alabama Journal was quick to reply that "those who think that he [Hilliard] can be intimidated, will find, as they often have found that they have caught a Tartar."<sup>22</sup>

While the controversy among the local editors continued, Hilliard delivered an address in Chambers County, in which he established the position he was to take during the campaign. In his introductory remarks he belittled those who had criticized him for refusing to engage in discussion with an opponent. Arguing that personal contests were in themselves disagreeable, he

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<sup>21</sup>Montgomery Atlas and Banner, quoted in Eufaula Spirit of the South, July 8, 1851.

<sup>22</sup>Montgomery Alabama Journal, July 12, 1851.

observed that only those who were candidates for office should be obliged to participate in joint-debate.<sup>23</sup>

Following these preliminary observations, he turned to the two pressing issues of the campaign: the compromise measures and South Carolina's threat to secede.

He first examined the Ordinance of 1787, the Missouri Compromise, and the territorial establishment of Oregon with the Wilmot proviso. Hilliard pointed out that he had voted against the Oregon Bill because the "obnoxious" proviso had been attached to it. It was not a question of whether or not slavery should be extended to this territory, he thought, but rather a proposition of the right of Congress to control territories. Actually, Hilliard believed that slavery could not go to Oregon, but he contended that Congress was not empowered to legislate on the subject of slavery for the territories.

When he turned to the question of California, Hilliard knew that he had to explain away an apparent inconsistency in his own record, since he had voted against California's application for statehood. In defending this action on the grounds that California had presented herself

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<sup>23</sup> Lafayette Chambers Tribune, June 20, 1851. This account of the Chambers speech and all subsequent accounts of the Hilliard-Yancey debates in 1851 are paraphrased versions. The complete speeches were not recorded.

while yet in a state of immaturity, he argued that the probationary period should have been extended. Hilliard made it clear, however, that the Constitution adopted by the people of California was a bona fide one, and then asked:--If we reject a state for excluding slavery, could not we also reject a state for adopting it?

Hilliard's third consideration dealt with the acts providing territorial governments for Utah and New Mexico. He maintained the acts stipulated that the subject of slavery should be decided by the inhabitants of those territories. He was quick to add, however, that the action which they take should be consonant with the laws which operate on those areas. Here, Hilliard again was faced with a difficult problem; for the Mexican law, having jurisdiction over those territories, forbade slavery. He tried to answer his secessionist critics by asking a rhetorical question: What right do you have to destroy a government because of the existence of a law which you have heretofore denied as being valid? "If the Mexican law is the governing law," he concluded, "gentlemen should have provided against its operation at the proper time." "Whatever might be said of the enactment," he added, "it could not be charged as being unconstitutional."<sup>24</sup>

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<sup>24</sup>Ibid.

What should be the Southern attitude toward the Texas boundary dispute? was the next question to be answered. Texas, had claimed as one of her boundaries the Rio Grande, from its source to its mouth. Although Hilliard had supported her in this claim, he felt that the matter should be settled through compromise. This was particularly true in view of the fact that the people of Texas had decided overwhelmingly to cede this disputed territory to New Mexico for the sum of ten million dollars. Such action, declared Hilliard, did not impair the South's right to gain four slave states out of the Texas Territory.

Hilliard next discussed the provision which called for the abolition of the slave trade in the District of Columbia. Opponents of this bill, he thought, had failed to recognize that it was merely a police regulation. It simply "prevents the introduction of slaves 'for the purpose of sale!'"<sup>25</sup> Whenever a master violated this law, he would be penalized by forfeiting his slave. There was nothing in this act, therefore, which interfered with the right of slavery in the District. Since Congress, according to the Constitution, was the sole legislative

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25 Ibid.

power in the District, Hilliard concluded that no one in the South had a right to object to such police action.

A final provision of the compromise measures remained to be discussed--the Fugitive Slave Law. Hilliard believed that this congressional enactment had been enforced. He asserted that the law was both just and constitutional. Furthermore, it was a recognition by Congress that the constitutional rights of the slaveholder must be protected.

In summary, Hilliard not only pointed out how, in his opinion, the compromise measures were constitutional, but showed how they tended to advance the position of the South as far as slavery was concerned.

In the remaining portion of his speech he analyzed the dangers inherent in the doctrine of secession. Asserting that no state had a lawful right to secede from the Union, he warned South Carolina of her pending destruction. To add emphasis to his description of South Carolina's plight if she were cut off from the Union, Hilliard borrowed the language used by Burke during the Warren Hastings Trial. In describing the condition of a portion of India, Burke had said: "The eyes rested on "no man, no woman, no child, no animal--no living thing; but all was bleak and silent desolation."<sup>26</sup>

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<sup>26</sup> Ibid.

Hilliard's audience, comprised of unionists and fire-eaters alike, reacted favorably to the speech. The Chambers Tribune, not at all sympathetic to the Unionist cause, observed that "we never saw an audience give more undivided attention to any speaker."<sup>27</sup>

Encouraged by his success at Chambers, Hilliard proceeded to his first scheduled appointment at Union Springs. When he arrived he found, much to his surprise, that Yancey, along with many of his followers, was on the grounds clamoring for a chance to reply. Confronted with such a demand, Hilliard suggested that a committee be appointed to work out the details for debate. After minutes of animated discussion it was decided that each speaker should have an hour and three quarters for his constructive speech and a half an hour for the rebuttal. Further difficulty occurred, however, over the speaking order. Both men wanted the closing speech. But, since it was Hilliard's appointment, Yancey finally yielded.

As the speakers mounted the platform "the sun shone with splendor upon a beautiful landscape, and large numbers of carriages were drawn near the stand, while the improvised seats were filled with people."<sup>28</sup> To discerning

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<sup>27</sup> Ibid.

<sup>28</sup> Hilliard, Politics and Pen Pictures, 251-252.

listeners it seemed clear that the speakers, the issue, and the audience on this occasion were conducive to produce vehement oratory. Alabamians were fond of campaign eloquence. For ten years they had listened with interest to the appeals of Hilliard and Yancey. Naturally, therefore, a spirit of enthusiasm permeated their thinking as they awaited the start of the first joint discussion between the two men regarded as the foremost orators of the State.<sup>29</sup>

In his introduction Yancey chided Hilliard for his reluctance to engage in debate. Similarly he complained that the speaking order should be reversed since it was his rather than Hilliard's duty to tear down or refute. Launching into the body of his speech, Yancey opposed the compromise bills en masse. He took issue with the arguments of Hilliard's Chamber's Speech--particularly to the statement pertaining to the South's advancement. To support this point of view he quoted Webster as saying that the South had lost everything in the compromise except her honor. Providing two-thirds of the fighting forces in the Mexican War, the South, said Yancey, had not received two-thirds of the acquired territory. Under such circumstances,

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<sup>29</sup> Du Bois, The Life and Times of William L. Yancey, I, 187.

he continued, the time for immediate secession had arrived.

Not content to rely on the issues alone, Yancey next attacked his opponent for possessing a friendly attitude toward leaders of the North. He reminded his audience that on the night in Washington when the abolition guns, bonfires, and illuminations celebrated the passage of the compromise measures, Hilliard was in the company of Daniel Webster "congratulating the abolition procession."<sup>30</sup> As Yancey's time expired he closed by saying, "Well. . . I have said enough for Mr. Hilliard to chew on for ten hours."<sup>31</sup>

Hilliard began his reply by reasserting his original desire to speak without encountering an antagonist, and declared that the discussion had been forced upon him against his better judgment. He cited the various acts of Congress from 1787 through 1850 which dealt with the subject of slavery. In his analysis of the Oregon controversy he paused to emphasize the point that Yancey had voted for the Oregon Bill notwithstanding the fact that the anti-slavery Wilmot proviso was attached to it. Turning to the compromise measures, he asserted that these bills,

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<sup>30</sup>Rufaula Spirit of the South, July 15, 1851.

<sup>31</sup>Montgomery Alabama Journal, July 12, 1851.

when considered in entirety, guaranteed to the South greater rights than she had held during the last ten years. In a pathetic strain, Hilliard concluded that Yancey was sincere in his desire to dissolve the Union, but that such action could not help but end in a bloody Civil War. And such a war, if it came, would destroy the freest government on earth.

Commenting on the debate, a Chuny Nuggee farmer observed that "Mr. Yancey was completely over crapped."<sup>32</sup> The Spirit of the South, however, felt that "Yancey's triumph was complete."<sup>33</sup>

On the following day when the speakers arrived at the village of Emon which was located about twenty-five miles away, they were greeted by a larger and more enthusiastic crowd. Yancey's friends immediately renewed their demand to have their speaker close the debate; but Hilliard was adamant. As a result, the discussion proceeded on the same terms as those at Union Springs the day before.<sup>34</sup>

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<sup>32</sup>Ibid.

<sup>33</sup>Bufaula Spirit of the South, July 15, 1851.

<sup>34</sup>Throughout the campaign the same speaking order was followed. Hilliard, feeling that the appointments were his, insisted that he should be allowed to close the debate. Yancey's followers vigorously protested in each instance, but they were forced to yield in the end.

Yancey once again charged that the compromise measures violated the constitution, and brought oppression to the South. While he admitted that slaves could be carried to California, Utah, New Mexico, or even to the District of Columbia, he denied that they could be sold in any of these areas as slaves. Nor could they be taken from these territories as slave property. He therefore challenged Hilliard to show explicitly how the South had gained from these measures. In making this challenge, Yancey insisted that Hilliard should not, like the schoolboy, "Skip the hard places"<sup>35</sup> in giving his answer.

Yancey then pointed out that a State had an abstract right to regain the power which it had delegated to the Union. The history of the last fifty years, he added, had clearly demonstrated the desire of the free states to strengthen the central government for the sole purpose of destroying the slave states. Under such conditions action must be taken, said Yancey, to reduce the power of the central government. If that failed, Alabama would then have a constitutional right to secede.

In refutation, Hilliard reaffirmed his position that the compromise bills were in accord with the sentiment

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<sup>35</sup>Eufaula Spirit of the South, July 22, 1851.

of the constitution. Accepting Yancey's challenge not "to skip the hard places," he examined each of the proposed regulations in an effort to substantiate his claim that the South had profited. Moreover, he again read from the Globe to show that Yancey had voted for the Oregon Bill, which as has been noted, was subject to the provisions of the Wilmot Proviso. Obviously pleased with the reaction produced by this reference, Hilliard stressed its significance. How could a man who poses as the true friend of the South, he asked, vote for a Proviso which Calhoun had called the greatest of all the aggressions against the South?

Hilliard next turned to an important constitutional question--whether or not a State had a right to secede. There was nothing in the Constitution which guaranteed that right, he argued. Of course, he added, the people could not stand idly by while the charter of their liberties was violated. Undoubtedly they should demand their rights, and if that demand were not met, it would be incumbent upon them to overthrow their government. Hilliard did not believe that this action, violent as it may seem, was unconstitutional. He held, on the other hand, that if a state attempted to take from the government those powers which it had previously delegated to that government, the

constitution would be violated. Hilliard then concluded that if "Alabama be called to assist in the reduction of South Carolina he for one, would remember he had a double to perform--a duty to his State and a duty to the Union."<sup>36</sup>

At the close of the debate, both sides claimed victory. The Spirit of the South confidently asserted that "if ever a man was annihilated by argument--if ever a man was crushed by proofs--that man was Henry W. Hilliard."<sup>37</sup> The Journal replied that "the defeat of Yancey was total --'it was a Waterloo!'"<sup>38</sup>

The two contestants left Enoch and headed toward Glennville for their third meeting. At ten o'clock the next morning, a procession of more than two hundred on horseback met Hilliard a few miles from town. With "a noble banner of the stars and stripes floating at their head,"<sup>39</sup> the Unionists led their champion into town. In the meantime, Yancey had arrived, and necessary arrangements were made for the debate.

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I, 264. <sup>36</sup>Du Bois, The Life and Times of William L. Yancey,

<sup>37</sup>Eufaula Spirit of the South, July 15, 1851.

<sup>38</sup>Montgomery Alabama Journal, July 19, 1851.

<sup>39</sup>Ibid., July 26, 1851.

Until now the speakers had adopted a conciliatory attitude toward each other. It seemed evident, however, that as Yancey opened his speech on this occasion, the friendly spirit would no longer prevail. Chafed at Hilliard's repeated references to the Oregon vote, Yancey tried to explain his stand by saying that he had voted merely to admit that territory. Yancey had doubtless intended to use the word organize, but had inadvertently substituted the word admit instead. When Hilliard replied he alluded to his opponent's statement. Yancey, not realizing that he had said admit, leaped to his feet and emphatically stated that the charge was false.<sup>40</sup> Partisan feeling was strong, and for a moment it appeared that a riot would ensue. But Hilliard succeeded in calming the crowd, observed one eye witness, and turned to Yancey and quietly rebuked him for his offensive manner.<sup>41</sup> Fortunately, the debate was concluded without any further interruptions.

Eufaula was the next stop on Hilliard's list of speaking appointments, and it was understood that the

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<sup>40</sup> Eufaula Shield, quoted in ibid., July 26, 1851.

<sup>41</sup> Benjamin Gardner to Miss Toccoa Cozart, April 7, 1901, Hilliard Papers, Alabama State Department of Archives and History, Montgomery.

fourth encounter would take place there. The debates by now had attracted widespread interest which extended southward to the Florida line and eastward into Georgia. Many people from these remote areas arrived in Eufaula almost twenty-four hours before the discussion was scheduled to begin. That night, however, when the committees met to work out plans, it was learned that Hilliard had withdrawn from the contest. Disturbed by the events of the preceding day, Hilliard asserted that he would not engage in further joint discussions unless Yancey publicly apologized for his actions at Glennville. But Yancey was in no mood to placate his rival. He retorted that truth, not offensive language, had pierced through "the cassock to his [Hilliard's] heart."<sup>42</sup> "Never," observed Du Bose, "was an audience doomed to greater disappointment."<sup>43</sup>

For the next few days editorials appeared in the opposing newspapers under the caption, "Who backed out?" Hilliard was accused of a "craven heartedness, worthy of the cause he advocated."<sup>44</sup> Yancey was berated for his use

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<sup>42</sup> Eufaula Spirit of the South, July 15, 1851.

<sup>43</sup> Du Bose, The Life and Times of William L. Yancey, I, 265.

<sup>44</sup> Eufaula Spirit of the South, July 15, 1851.

of uncouth language and his inability to take criticism.<sup>45</sup> While the editors hurled epithets with increasing fury, Hilliard and Yancey met, and, much to the delight of partisans on both sides, adjusted their difficulties.

Not much was new in the mode of reasoning or in the nature of evidence as the speakers reiterated their cases in the ensuing weeks. Hilliard appealed for action which would save the Union; Yancey pleaded for an equitable settlement based on southern rights.<sup>46</sup> As the canvass drew to a close, the Spirit of the South said of Hilliard: "His eulogies on the Union were exceedingly eloquent--we have never heard anyone perform in that way, better. Daniel Webster plays pretty well on the Union key, but Mr. Hilliard beats him all hollow, and when the former gentleman becomes weary of playing the same tune, we can

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<sup>45</sup> Eufaula Shield, quoted in Montgomery Alabama Journal, July 26, 1851.

<sup>46</sup> According to Mitchell this theme of Southern rights seems to have been Yancey's major emphasis throughout his career. In this connection, Mitchell points out: "An analysis of his available speeches and the reports of others indicates that he [Yancey] devoted little time to the theory and right of secession and much to an exposition of southern rights and the manner in which they were being violated; little to urging secession, and much to advocating an uncompromising stand on constitutional rights. He stressed, not the glories of independence, but the degradation of inequality within the Union. It is true that he early despaired of securing these rights and thought secession would result from an insistence upon them. . . . I prefer to style him 'The Orator of Southern Constitutional Rights.'" Rexford S. Mitchell, "William Lowndes Yancey: Orator of Southern Constitutional Rights," unpublished doctoral dissertation, University of Wisconsin, 1937.

recommend him to employ Mr. Hilliard as a substitute."<sup>47</sup>

Although the pattern of the discussion varied little during the closing weeks, there was a noticeable change in the pre-debate festivities. Lively campaign songs were sung by the followers of both parties as they escorted their speakers to the field, and much confusion resulted when the two groups tried to sing their respective theme songs at the same time. Success in this musical endeavor, of course, was determined by the size of the crowd, which, in turn, affected the volume.

Not content to rely on singing alone, the Southern Rights adherents employed a band from Eufaula which appeared at all subsequent meetings. As the band played, the secessionists rent the air with words set to the tune of the popular song, "Do Come Along My Sandy Boys."

"The 'Parson' [Hilliard] is an artful man,  
I hope you know him well,  
For if you don't, I am not sure  
I can his virtues tell.

(Refrain)

"He made good speeches for the South,  
Prov'd clearly we were right,  
And said that we must have our due  
Or else there'd be a fight.

(Refrain)

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<sup>47</sup>Eufaula Spirit of the South, July 22, 1851.

"His acts were very different from,  
 The brave words in his mouth,  
 For all his votes went to the North,  
 His speeches to the South."<sup>48</sup>

(Refrain)

Yancey and Hilliard concluded their joint discussion in Montgomery a few days before the election. They engaged in an animated debate, encompassing all the issues of the campaign. Commenting on this meeting, the Alabama Weekly Journal observed that "the debate was one of great interest, holding the earnest attention of the audience for five hours. It was a struggle of giants--both were worthy champions." The writer then added that "every thing was. . . in the best feeling between the gentlemen."<sup>49</sup>

That Hilliard and Yancey were able to remain close friends<sup>50</sup> throughout these weeks was indeed surprising.

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<sup>48</sup> Ibid., July 29, 1851.

<sup>49</sup> Montgomery Alabama Journal, August 9, 1851.

<sup>50</sup> While Hilliard and Yancey were engaged in a pleasant conversation prior to the beginning of one of the debates, Yancey said: "Mr. Hilliard, shall we have a friendly debate today?" To this Hilliard replied: "Mr. Yancey, I must mention your vote on the Oregon question; I cannot overlook it to-day." Hilliard, Politics and Pen Pictures, 254. Later Hilliard observed that "the personal relations between Mr. Yancey and myself continued good up to the day of his death." Ibid., 258.

Few, if any, contests in the history of Alabama, observed the Macon Republican, had been "carried on with more heat, more rancour, more bitter personal malice." In some districts throughout the state, the editor continued:

It was gravely proposed by the disunionists, that no sort of intercourse whatever, either political, industrial, or professional, should be had with the opposite party. That they would trade with no "submission" merchant, employ no "submission" factor or ware-house man; nor any lawyer, physician, or even clergyman, we believe, who belonged to the opposite party. Resolutions to that effect were introduced at various meetings, and at some of them they were passed.<sup>51</sup>

When the exciting contest between Hilliard and Yancey had ended, the people of Alabama reflected not only on the issues, but on the eloquence of the speakers as well. They began to draw comparisons. Yancey was characterized as the "Demosthenes of fiery and impetuous speech and Mr. Hilliard as the polished, faultless Cicero."<sup>52</sup> Yancey excelled, observed one contemporary, "in all that was fierce, stormy, vituperative, denunciatory, impetuous, and scornful." Hilliard, on the other hand, was unquestionably better "in all that was soft and smooth and easy, graceful and persuasive."<sup>53</sup> Possessing vastly

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<sup>51</sup> Tuskegee Macon Republican, August 21, 1851.

<sup>52</sup> Joel Bartlett, "Recollections of William L. Yancey," Montgomery Daily Advertiser, July 18, 1914. The same article appears in the Alabama Hist. Quarterly, II (Fall Issue, 1940), 331.

<sup>53</sup> Smith, Reminiscences of a Long Life, I, 223.

different speaking styles, each orator, nevertheless, was considered equally effective.<sup>54</sup> In short, it was generally agreed that "there was no match for the one save in the other."<sup>55</sup>

But, while the voters had difficulty in determining the superiority of a particular debater, they had relative ease in making a choice between unionism and secession. The Unionist Whig, James Abercrombie, received 7,598 votes while the secessionist, John Cochran, received 5,911. This was a greater margin of victory than Hilliard had achieved in any of the three previous congressional contests.<sup>56</sup> In the opinion of Craven, the Union orator had

<sup>54</sup> Shortly after Hilliard's death, a writer in the Montgomery Daily Advertiser, December 25, 1892, said that he "recalls the opinion of those who were familiar with these times, that Mr. Yancey usually 'got the best of Mr. Hilliard.' I think that there is some room for a difference of opinion. Public sentiment in that day was divided. To the States Rights Democrats, Mr. Yancey, appealing in ringing tones to the God of Battles in defense of Southern Rights, was a newborn Demosthenes. Mr. Hilliard pleading in matchless words of persuasion for the integrity of the Union was in the estimation of the Whigs a revivified Cicero. Yancey showed best when he had the field to himself. He was too sensitive for debate." Similar observations showing that Hilliard and Yancey were evenly matched as orators are expressed in the following works: Brown, The Lower South in American History, 136; Mellen, "Henry W. Hilliard and William L. Yancey," loc. cit.; The South in the Building of the Nation, 12 vols. (Richmond, 1909), IX, 67.

<sup>55</sup> Du Bois, The Life and Times of William L. Yancey, I, 187.

<sup>56</sup> Dorman, Party Politics in Alabama, 180.

"crowded Yancey into silence."<sup>57</sup>

Hilliard and Yancey were to meet often during the next decade, but none of their meetings compared in interest, in ardor, and in drama with the canvass of 1851. Called the "Battle of the Giants," the contest was remembered "with lingering delight" forty years after its completion.<sup>58</sup>

The question naturally arises: What were the factors responsible for Hilliard's decisive victory over the leading orator of Southern rights? First, it should be noted that at the time of the congressional canvass in the summer of 1851, some of the Southern states had already taken action against immediate secession. Particularly was this true in Georgia where the conservative leaders of that state, led by Toombs and Stephens, secured the passage of the "Georgia Platform" in December, 1850. Accepting the compromise as a final settlement of the slavery question, the "Georgia Platform"<sup>59</sup> dealt the secession movement in the South a severe blow. A second possible cause of Hilliard's success was that his speeches

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<sup>57</sup> Avery Craven, The Repressible Conflict, 1830-1861 (Baton Rouge, 1939), 3.

<sup>58</sup> Du Bois, The Life and Times of William L. Yancey, I, 265.

<sup>59</sup> Richard H. Shryock, Georgia and the Union in 1850 (Philadelphia, 1926), 332.

were delivered in the heart of the Black Belt, the home of wealthy planters. Admittedly, these planters looked to the Union for protection of their property rights.

Neither of the above reasons, however, are sufficient in themselves to explain the results of the Hilliard-Yancey debates. While it is true that the action of the Georgia legislature doubtless softened the strong secessionist feeling in some sections, it did not affect the thinking of Yancey or of the leaders of the "Eufaula Regency." Both Yancey and the "Regency," maintaining close contact with the legislators of South Carolina, resisted every attempt to force the compromise measures upon the South. Consequently, they fought the campaign of 1851 on the issue of secession. Nor could the fact that the planters were concentrated in the Black Belt region be the deciding factor. For the Second Congressional District of Alabama was likewise the home of Southern ultras. So evenly divided were these two groups --the Whig planters and the Democrat small farmer--that no one could accurately predict the outcome of an important election.

Since the influences which favored the compromise, were negated considerably by forces advocating secession, the determining factor of the crucial contest in 1851 was

effectiveness in debate. As orators, Hilliard and Yancey were evenly matched. In the field of debate, however, Hilliard had an edge. Dignified and poised, he maintained his composure at all times when speaking to his constituents. Though irked at unfair attacks made upon his character or record, he always had command of his logic. This healthy emotional state, combined with the use of strong, logical, and emotional appeals, and adeptness in refutation, made Hilliard one of the most effective debaters of his time. Yancey, on the other hand, usually fared better when he had the field to himself. He chafed under the attacks of those who disagreed with his views or who pointed out the weaknesses of his public record. Aware of this Yancey shortcoming, Hilliard exploited it. By doing so, he lessened the power of Yancey's eloquence, and thereby scored the most significant political victory of his career.

## CHAPTER X

### ORATOR OF A DYING PARTY: 1852 - 1856

It has been said that Hilliard reached the zenith of his oratorical career in 1851.<sup>1</sup> This view is based upon the assumption that he never again equalled the brilliant success which he achieved in his contest with Yancey. On the surface, such a conclusion seems valid. For in the decade preceding the Civil War the banner of the Whig party trailed in the dust. Only fragments of a once proud national organization remained by the middle 1850's. With nowhere to go, loyal adherents to the Whig cause went first in one direction, and then in another in search of a body of principles upon which they could stand. Faced with the almost impossible task of creating a cohesive party out of heterogeneous elements, conservative Whigs of the North and the South often sacrificed principles on the altar of expediency. Caught in this dilemma, Hilliard, for a period in 1855 and 1856, went against the doctrine of tolerance which he had preached from the rostrum in Congress, in the Church, and on the

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<sup>1</sup>Mellén, "Henry W. Hilliard and William L. Yancey," loc. cit., 49.

stump.

Despite these conclusions, it would be wrong to assume, however, that Hilliard's effectiveness diminished during this period of party vacillation. True, he wavered in his party loyalty, and on occasion demonstrated racial and religious intolerance, but he remained at all times loyal to the South and to the Union. In fighting for this two-fold cause--a fight which had marked his political career from the beginning--he contributed significantly to the delay of the secessionist movement in the South, and aided in maintaining the semblance of a national organization which might perpetuate the fraternal relationship between the North and the South.

Although the Southern Unionists won a decisive battle in the campaign of 1851, they by no means won the war with the compromise measures. The strength of the Southern Unionist movement was its weakness. Comprised of members of both major political parties, the Unionists lacked the cohesive quality needed to hold an organization together. Before the fruits of victory could be gathered, the Unionist Party of Alabama, for example, began to lose its identity. Unionist Democrats, whose services were essential in turning back the secessionist tide, drifted back into the Democratic harbor. Thus, when the Unionists

met in Montgomery in December, 1851, the delegates were, for the most part, ex-members of the Whig Party. Despite this affinity with the Whigs, the delegates were determined, however, to perpetuate the party alignment which had scored such a signal victory on the compromise measures. A leader of the meeting, Hilliard moved that "the Chairman appoint thirty delegates to represent the county of Montgomery in the Union State Convention to be held in the City of Montgomery on the 2d Monday in January, 1852."<sup>2</sup> The resolution was carried and Hilliard was appointed a delegate to the Convention.

The delegates who attended the January meeting entertained the hope that a National Union Convention would be called by conservative leaders of both sections. Accordingly, they passed resolutions recommending such a move.<sup>3</sup> The action was designed to rally the friends of the compromise to continue the war against the secessionists on the one hand and the abolitionists on the other.<sup>4</sup>

While the Unionists were planning for a Convention which was never to materialize, the Democratic Party in Alabama was reorganizing in order to recoup the losses

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<sup>2</sup>Tuskegee Macon Republican, January 8, 1852.

<sup>3</sup>Montgomery Alabama Journal, January 22, 1852.

<sup>4</sup>Hodgson, Cradle of the Confederacy, 322.

which had occurred in the summer of 1851. Back into its fold came the state rights leaders along with numerous Unionist Democrats. When, in January, they appointed delegates to the National Democratic Convention to be held in Baltimore in June, Hilliard wrote Fillmore:

This winter presents us with the spectacle of the Democratic party-reorganized, with delegates appointed to the Baltimore Convention. Our friends believe it to be important to preserve this Union name and organization and they will probably send no delegates to the Whig Convention, but propose to hold a Union Convention; this I have opposed, but it is so decided. I have no expectation of seeing a Union National Convention--both candidates, Whig and Democratic, will be Union men, and our electors must choose between them--It is probable we can carry Alabama for the Whig candidate as a Union man, if a judicious selection shall be made, as there is some dissension in the Democratic ranks.<sup>5</sup>

In the weeks that followed, Hilliard's opposition to the National Union Convention increased. The hope of the conservatives, he was coming to believe with greater intensity, lay in the restoration of the Whig party. At a Macon Meeting in April, he delivered a "short, but patriotic and eloquent speech"<sup>6</sup> pointing out the necessity of sending delegates to the Whig National Convention. "He made the justice and propriety of such a cause so clear," commented the Macon Republican, "that if there were any

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<sup>5</sup> Hilliard to Millard Fillmore, Montgomery, January 26, 1852. Letters to Fillmore.

<sup>6</sup> Tuskegee Macon Republican, April 15, 1852.

doubters before, they must have been convinced after hearing his argument."<sup>7</sup>

In the ensuing weeks, Hilliard continued to write letters in support of Alabama representation in the National Whig Convention. "The truth is," he said in May, "that the only place where we can serve our country, by helping to give it a sound administration, is the Whig Convention."<sup>8</sup> Later he set forth the reasons for this belief in a letter to Daniel Sayre, Whig editor of the Macon Republican: "To remain out of the National Convention, is at once to abandon the field to the enemies of the Compromise measures, and we shall then, as Whigs, be forced to the alternative of casting our votes for gentlemen chosen by a democratic convention, or by a Whig convention in whose deliberations we took no part."<sup>9</sup> Such sectional action upon great national questions, thought Hilliard, would "surely bring about an overthrow of the Republic."<sup>10</sup> That Hilliard's efforts were not in vain is indicated by the letter which he sent to Fillmore on the first of June:

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<sup>7</sup>Ibid.

<sup>8</sup>Montgomery Alabama Journal, May 11, 1852.

<sup>9</sup>Tuskegee Macon Republican, May 20, 1852.

<sup>10</sup>Ibid.

Some time since I wrote to you that I was not at all pleased with the political state of affairs in Alabama, and that I should endeavor to have the Whigs of this State represented in this National Convention. I am happy to say that I have succeeded in that object--we shall be represented in the Whig Convention, and the entire delegation will cast their votes for you, as the candidate for the Presidency.<sup>11</sup>

The desire of the Alabama delegation to push the nomination of Fillmore was part of a general movement throughout the South.<sup>12</sup> Although Fillmore was a Northern man, he had been, in the opinion of Southern conservative leaders, tested and tried on the slavery question and had been found not wanting. Nor did this Fillmore boom in the South lose any of its impetus when the Democrats nominated Franklin Pierce instead of James Buchanan. Encouraged by this choice, Hilliard wrote Fillmore: "The Democratic nomination for the Presidency, has caused much disappointment here--Buchanan was the favorite--It is really my belief that if you should be chosen by the Whig convention, we can make a close contest even in Alabama."<sup>13</sup>

When the delegates of the Whig party assembled in Baltimore in June to select a presidential nominee, Hilliard was not present. He had been urged to attend by

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<sup>11</sup> Hilliard to Millard Fillmore, Montgomery, June 1, 1852. Letters to Fillmore.

<sup>12</sup> Hodgson, Cradle of the Confederacy, 322.

<sup>13</sup> Hilliard to Millard Fillmore, Montgomery, June 9, 1852. Letters to Fillmore.

his friends, but had declined because of some important law engagements in the Supreme Court of Alabama.<sup>14</sup> This was the first time since 1842 that Hilliard did not have a diplomatic or political office; thus, he had to rely upon his legal practice for a means of livelihood. Nevertheless, he had led the successful fight for Alabama Whig representation, and had secured Alabama's support for Fillmore.

In addition to Fillmore, two other prominent Whigs were making a bid for the presidential nomination: General Winfield Scott and Daniel Webster. Of almost greater importance than the candidates themselves, however, was the platform.<sup>15</sup> This was unique in the history of the Whig party, for in previous elections the men had overshadowed the issues. In one important respect, however, the 1852 campaign was different. While the Fugitive Slave Law clause in the compromise measures had proved to be a palatable dish to the Southerners, it had not yet been swallowed by the Seward Whigs of the North. Whether or not the Whigs were to maintain a national party, therefore, depended largely upon the action which they could

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<sup>14</sup>Id. to Id., Montgomery, June 1, 1852. Ibid.

<sup>15</sup>Rhodes, History of the United States from 1850, I, 253.

take on the Fugitive Slave Law provision. Shortly after the Convention opened, it soon became evident that the final decision rested neither with the state rights leaders, nor with the abolitionists, but rather with the large group of Northern moderates who were in the majority. Convinced that the future of the party would be in doubt if unfair concessions were made to either of the extreme wings, the controlling group of Northern conservatives were cautious.

To bridge the gap between the almost irreconcilable factions, the Convention resorted to the expedient of compromise. The platform was designed to please the South. The choice of the presidential nominee, on the other hand, was made in accordance with the wishes of the Seward Whigs. On the third day of the convention a platform was submitted which had the approval of the Southern delegates, of Webster, and of his followers.<sup>16</sup> The most important resolution, dealing with the compromise measures, declared:

That the series of acts of the Thirty-first Congress--the act known as the Fugitive Slave Law, included--are received and acquiesced in by the Whig Party of the United States as a settlement in principle and substance, of the dangerous and exciting question which they embrace; and as far as they are concerned, we will maintain them and insist upon their strict enforcement, until time and experience shall demonstrate the necessity of further

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<sup>16</sup> Ibid.

legislation to guard against the evasion of the law on the one hand, and the abuse of their powers on the other, not impairing their present efficiency; and we deprecate all further agitation of the question thus settled, as dangerous to our peace

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While such a platform, admittedly, could not be acceptable to the Free Soil advocates, neither could the selection of Scott--who won the nomination on the fifty-third ballot--be satisfactory to the delegates from the South. Notwithstanding the endorsement which Scott had given to the compromise measures, he was generally regarded as a foil for Seward. Consequently, his nomination not only produced little enthusiasm among Southern Whig leaders, but also failed to arouse the conservative business men of the North. On the third of July, an address was issued by Robert Toombs, Alexander Stephens, James Abercrombie of Montgomery, and four other Whig representatives, "in which they flatly refused to support Scott."<sup>18</sup> The businessmen of New York City, moreover, "disliked the nomination, as they were afraid of Seward's influence."<sup>19</sup>

Hilliard could not hide his disappointment when he learned of Scott's victory. On June 23, he told Fillmore:

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<sup>17</sup>Kirk H. Porter, National Party Platforms (New York, 1924), 37.

<sup>18</sup>Rhodes, History of the United States from 1850, I, 262.

<sup>19</sup>Ibid., 262-263.

"The result of the Convention is known to us, and it is with the Southern Whigs a matter of deep regret. You were their first choice; Mr. Webster was their second; either would have received an energetic and enthusiastic support."<sup>20</sup> Despite his disappointment, however, Hilliard was not willing to follow the lead of the aggressive Southern Whigs by withholding his support of Scott. In a letter to the editors of the Alabama Journal, he defined his position:

The Convention which assembled in Baltimore was an able, dignified and patriotic body. . . . I have not for a moment hesitated as to my own course. Upon learning the action of the Convention, I promptly avowed my purpose to give whatever aid I could offer towards making good its nomination before the country. I shall continue to do so and I firmly believe that in thus contributing whatever of influence or ability I may bring to the support of General Scott, I shall be performing a high duty which I owe to my country. . . . The Whig party must be a national party; it must hold opinions which embrace the interests of the North and South alike. . . . The great evil of our times is the tendency of parties to sectional degradations.<sup>21</sup>

Notwithstanding the patriotic tone in Hilliard's remarks, he was accused of standing behind the national Whig party so that he could gain a political office. The Spirit of the South had said in May that the hope of spoils

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<sup>20</sup> Hilliard to Millard Fillmore, Montgomery, June 23, 1852. Letters to Fillmore.

<sup>21</sup> Montgomery Alabama Journal, July 12, 1852; Tuskegee Macon Republican, July 29, 1852.

was very "potent in stimulating abroad a national and expansive patriotism in the breasts of politicians."<sup>22</sup> Following the publication of Hilliard's letter in July, this charge was renewed by the Loco-foco leaders of Alabama. The Macon Republican was quick to come to Hilliard's defense in denying that he would be an applicant for office in case of Scott's election. The Whig journal declared:

Mr. Hilliard is not greedy of the spoils. He has never asked any thing of the people which he did not get, nor has he . . . ever asked anything of the government which he did not get. On the contrary he has held office from the hands of both, and has voluntarily declined to continue in them. . . . In fact, we know of no public man in the country who has been more modest in office-seeking than the Hon. Henry W. Hilliard. Nor do we know of any public man better qualified to adorn office than he. With good natural abilities which have been well cultivated, great intelligence and energy in business, an affability of manners that is never at fault, an evenness of temper that is rarely equalled, a familiarity with the history of the country that is not often excelled, and a knowledge of public affairs which not every public man can boast, we undertake to say that few men in the country are better qualified to serve it. . . . Both as a private citizen and a public man he is beyond reproach.<sup>23</sup>

Apparently the Democrats understood Hilliard's intention better than did Daniel Sayre, editor of the Macon Republican. In his extended correspondence with

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<sup>22</sup> Eufaula Spirit of the South, May 18, 1852.

<sup>23</sup> Tuskegee Macon Republican, July 29, 1852.

Fillmore, Hilliard had made it unmistakably clear that he hoped to get an office under the Whig administration. For that reason he had refused to run for a fourth term in Congress. Thus, in February, 1852, more than one year after he had first inquired about a diplomatic appointment, he wrote Fillmore: "I have not felt at liberty to press my wishes upon you, but I have felt assured that you would not fail to name me. . . if a vacancy occurred."<sup>24</sup> To reenforce his request he then said: "Our minority in Alabama, excludes me from the Senate, but it ought not to exclude me from Executive favor."<sup>25</sup> Six months later, he expressed a similar sentiment: "My taste for political life is I suppose pretty decided, but I am not disposed to enter the House of Representatives again. I should on every account greatly prefer a return to diplomatic life--if I am ever again to hold any political position."<sup>26</sup> At the close of the Whig convention he reiterated his desire to receive an executive appointment with more earnestness than ever:

I have repeatedly made known to you my earnest wish to reenter the diplomatic life to which my

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<sup>24</sup> Hilliard to Millard Fillmore, Montgomery, February 18, 1852. Letters to Fillmore.

<sup>25</sup> Ibid.

<sup>26</sup> Id. to Id., Montgomery, June 9, 1852. Ibid.

acquaintance with Europe, and with public affairs perhaps adapts me better than to other pursuits . . . . I think from what I learn, that the Mission to Russia, is to be vacant, if so that post would be especially pleasant--and desirable.<sup>27</sup>

Anticipating the objection that his services would be needed in the coming presidential contest, Hilliard then said: "I am very willing to be absent from the country during the present campaigns, though while I remain I shall do my duty to the Whig cause."<sup>28</sup>

By August, Hilliard's anxiety over some type of Federal appointment was such that he asked to have his "name considered in connection with the vacant place upon the Supreme Court Bench."<sup>29</sup> "I have long looked at that station," he said, "as one of the most desirable, to which an honorable and just ambition could aspire."<sup>30</sup> Lest such a request would impair his chances for an appointment to the diplomatic service, however, Hilliard <sup>PPG</sup> felt it necessary to add: "As to a Diplomatic appointment, it would really be very gratifying to me to return to that career . . . . It may be that Berlin will be vacant--if so I shall rely with entire confidence upon your favorable consideration of my wish to go there."<sup>31</sup> In pressing his claims

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<sup>27</sup> Id. to Id., Montgomery, June 23, 1852. Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid., Montgomery, August 3, 1852.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

further, Hilliard reviewed his services to the administration and pointed up the difficult task which had long confronted the Whigs in Alabama:

We are contending and have long been contending, with a powerful majority. For years past I have led a steady assault upon that majority, and although we swept the Southern and middle parts of the State, the Democracy of the mountain still holds the sway; so that a seat in the House of Representatives is the only high station, which a Whig can reach--I do not desire to return there, as you may imagine--the Senate is closed to us. To continue here from year to year, is not an agreeable prospect to one who has borne some share in public life, and who feels an honorable ambition still impelling him to the service of his country.<sup>32</sup>

So determined was Hilliard to receive the appointment to Berlin<sup>33</sup> that he wrote Fillmore on August 11: "I have in my possession letters from Mr. Winthrop, Mr. Appleton, Mr. (Vinton), expressing a wish that I should be appointed to fill the Mission."<sup>34</sup>

The foregoing correspondence leaves no doubt that Hilliard wanted and expected a Federal office. Despite his long entreaties for such a position, however, it would take considerably more evidence than is at hand to prove that he rendered his services in the campaign of 1852 for

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<sup>32</sup>Ibid.

<sup>33</sup>Fillmore had written Hilliard on July 20, that he probably would be appointed to the position in Berlin. See Id. to Id., Montgomery, August 11, 1852. Ibid.

<sup>34</sup>Ibid.

the sole purpose of winning the favor of the administration. Such a charge would presuppose a basic insincerity in Hilliard's thinking. The record of his public career both before and after 1852 is a convincing refutation of this point of view.

Thus, while the letters to Fillmore cast no reflection on Hilliard's party and national loyalty, they show a weakness in personality which could not go unnoticed by his political opponents. Impressed with his own powers and accomplishments, Hilliard possessed a degree of vanity which often made him restless and ambitious. Success had crowned his efforts in Congress; but the House, after six years, no longer held a challenge to him. Doubtless he would have turned to the Senate, but the Whig minority in Alabama militated against such a move. For that reason, he yearned to re-enter the diplomatic service. At first, the prospects for an appointment seemed good. Fillmore had promised that it would only be a question of time and place. As the months passed with still no settlement, Hilliard became impatient. He prodded Fillmore not to forget the Whigs of Alabama. With little reticence, he pointed out his qualifications and evaluated his influence.

In pressing his claims, Hilliard revealed an undertone of anxiety. Confronted with the possibility of not

receiving a foreign appointment, he feared that he would be consigned to political obscurity. For nine years he had been in the service of the national government. With his most productive years ahead, he had little desire now to put aside his national political robe for the garb of a local attorney at law. A position on the Supreme Court Bench, of course, would have been in keeping with his desire to gain a place of permanent dignity. But this was far removed, he thought, from the aspirations of a commonplace lawyer.

While in this state of uncertainty concerning his future, Hilliard divided his time between law and politics. Late in the summer of 1852, he was chosen an elector for the state-at-large on the Whig electoral ticket.<sup>35</sup> Accepting the office, he nevertheless gave but limited service to the Whig cause during the closing months of the campaign. This was due more to his economic difficulties than to a feeling of apathy toward Scott. Hilliard was now dependent upon law as a means of temporary security. As a result, his political activities were curtailed whenever the Circuit Court was in session. Against his personal preference, therefore, he often was forced to cancel speaking appointments. At the close of a meeting in which

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<sup>35</sup>Tuskegee Macon Republican, September 9, 1852.

Hilliard failed to appear, a reporter "heard many complaining . . . at their disappointment in not hearing 'the Parson.'"<sup>36</sup>

In early September, Hilliard journeyed to Columbus, Georgia, to give perhaps his most elaborate argument in support of the Whig ticket. In maintaining that the Whig platform was adopted before the candidate was nominated, Hilliard stressed the fact that in the vote upon the Democratic platform, some voices were "heard in the negative."<sup>37</sup> He next considered the position of Scott and Pierce before the two conventions. "Scott," he said, "stood prominently before the Whig convention from the beginning of the ballottings, and was never for a moment abandoned by his supporters until he was unanimously nominated."<sup>38</sup> Pierce, on the other hand, "was not thought of until Cass, Buchanan, Douglas, and indeed all the great men of the party, had failed to carry a majority of two-thirds, and was only selected to save the democracy from dissolution."<sup>39</sup>

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<sup>36</sup> Montgomery Advertiser and State Gazette, September 1, 1852.

<sup>37</sup> Columbus Southern Sentinel, quoted in Montgomery Advertiser and Gazette, September 8, 1852.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

Turning to the personal claims of the two candidates, Hilliard asked, "who is Franklin Pierce?"<sup>40</sup> According to the editor of the Southern Sentinel, "This was the first happy hit the speaker had made, and was greeted with great applause."<sup>41</sup> In answering his rhetorical question, Hilliard noted that Pierce was supposedly a "Northern man with Southern principles." Such a combination, thought Hilliard, was morally impossible, for "all Northern men are necessarily opposed to slavery."<sup>42</sup> With greater enthusiasm than he had shown thus far, he then asserted: "You had as well call a nutmeg a nutmeg, because it came from Connecticut and expect us to believe it, as to try to impress us with the belief that Franklin Pierce, the yankee of yankees, is friendly to the South and her institutions"<sup>43</sup> In his attempt to prove further Pierce's unsoundness on the slavery question, Hilliard read from the records of the New Hampshire Legislature, from the proceedings of the abolition meetings held in the State, and from messages of Governors. Following this array of testimony indicting Pierce, Hilliard observed that Scott was

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

sound on the slavery issue. The closing appeal contained a "brilliant and effective" description of Scott's military career.<sup>44</sup>

The analysis of Hilliard's address given by the Southern Sentinel is important to the rhetorical critic. It demonstrates clearly the effect which the size and nature of an audience tended to have upon Hilliard's speaking.

We regret that a misunderstanding as to when Mr. Hilliard proposed to address the people, and the inclemency of the weather, prevented a great many persons from attending, and that the audience which assembled at Temperance Hall on Friday night was small. It doubtless acted as a damper upon the spirits of the speaker, as we regretted to notice a great want of enthusiasm on his part, as well as in the audience, and an absence of the flow of harmonious periods, and flashes of brilliant fancy which usually characterize the forensic efforts of the honorable gentleman. It may be, however, that his cause was difficult to manage; at any rate, we assure our citizens that if they have never before heard Mr. Hilliard, they can form no proper opinion of his oratorical ability, from his speech on that occasion. He did great injustice to himself.<sup>45</sup>

During the next few weeks Hilliard spoke somewhat infrequently for the Whig candidates. At Macon County early in August, he delivered a speech "in his usual able manner, sound, brilliant, and, at times, humorous."<sup>46</sup> In

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<sup>44</sup>Ibid.

<sup>45</sup>Ibid.

<sup>46</sup>Tuskegee Macon Republican, October 14, 1852.

the opinion of the Macon Republican it was an address "calculated to do great good, and to tell upon the election."<sup>47</sup> But in the apathetic campaign of 1852, it took more than stimulating oratory to arouse the people. Neither Pierce nor Scott had the glamor and political prestige which had marked the candidates of earlier presidential contests. So great was the apathy in Alabama, for example, that "not less than 15,000 Democrats failed to vote for Pierce, and not less than 15,000 Whigs failed to vote for Scott."<sup>48</sup> In brief, thirty thousand Alabamians who had voted either for Polk in 1844 or for Taylor in 1848, stayed away from the polls in 1852.<sup>49</sup>

In addition to his forensic and deliberative speeches, Hilliard delivered two important epideictic addresses in the closing months of 1852 which were also political in nature. The deaths of Clay and Webster, coming a few months apart, made a profound impression upon the Union. Public meetings in honor of the last two members of the great triumvirate were held in almost every State. On the 10th of September, three months after the death of Clay, the people of Montgomery paid an eloquent

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<sup>47</sup> Ibid.

<sup>48</sup> Hodgson, Cradle of the Confederacy, 337.

<sup>49</sup> Pierce received a total of 26,881 votes in Alabama, while Scott received 15,038. In the contest of 1848, on the other hand, Polk had received 37,740 votes compared to Cass' 31,363. Ibid.

tribute to his memory. "The streets were draped in mourning," observed the Alabama Journal, "and at the proper hour a procession was formed under the direction of General James Carroll, composed of City authorities, benevolent institutions, military companies and citizens, which proceeded to Gilmer's large new warehouse, where a large concourse had already assembled, composed principally of the fair daughters of the city and surrounding country."<sup>50</sup> The feature event of the occasion was the lengthy eulogy presented by Hilliard--still the most popular Whig orator in the state of Alabama.

If Hilliard had lacked enthusiasm in his stump orations on behalf of Scott, he felt its invigorating power in his discourse on the life and character of Henry Clay, his political idol. Inspired by the splendor of the occasion and the size and sympathy of the audience, he warmed to his subject as he said:

I am not to speak of a military chieftain, the recital of whose great deeds in arms would arouse the hearts of all men, yet I am to speak of one who reached a still loftier eminence than can be attained in the field of battle; whose majestic character lifts its summit to the heavens in the clear light of peace; whose hand was raised to bless, and not to destroy; whose name, for years past, has never been uttered in assemblies of the people without calling out shouts of enthusiasm;

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<sup>50</sup>Montgomery Alabama Journal, September 11, 1852.

and whose renown is bounded only by the limits of the civilized world. I am to speak of HENRY CLAY.<sup>51</sup>

In the first half of the argument which followed, Hilliard combined the chronological and selective methods of organization in discussing the leading events of Clay's private and public life. After tracing his formative years in Virginia and in Kentucky, he described Clay's major services as Speaker of the House, Secretary of State, and Senator from Kentucky. To place into clearer focus the basis of Clay's reputation, Hilliard analyzed the debates on the Missouri question in 1820, the tariff controversy in 1833, and the compromise measures of 1850. Clay's herculean efforts in bringing about a settlement of these explosive sectional issues, concluded Hilliard, won for him lasting fame not only as the great compromiser and conciliator but as the saviour of the Union. Alluding to the passage of the compromise resolutions of 1850, Hilliard said:

Mr. Clay is eminently entitled to the merit of the success of the great measures which rescued the country from its perils. . . . The great task which he had undertaken upon entering the Senate was accomplished. He had saved the republic for the third time. It was the boast of Antony over the body of Ceasar, that, although he had fallen under

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<sup>51</sup>"The Life and Character of Henry Clay," in Hilliard, Speeches and Addresses, 412-413.

the avenging dagger of Brutus, he had thrice refused a kingly crown. How transcendantly does the form of Mr. Clay rise above that of the Roman when we fix our eyes upon him in the last great act of his career, and see him as he stands in the sublime attitude of an American senator who had thrice saved his country from civil war! Themistocles earned imperishable fame by the victory which he achieved over the Persians in the Bay of Salamis, but what was such a victory, brilliant as it was, compared with that great civic achievement of Mr. Clay which crowned his long and illustrious life?<sup>52</sup>

The second half of Hilliard's argument dealt with the source of Clay's power. One fountain from which he tapped much of his strength, felt Hilliard, was his spirit of nationality. Possessing a "profound and unconquerable"<sup>53</sup> attachment to the Union, Clay was "the noblest illustration of a national spokesman which his country has ever produced."<sup>54</sup> Not pretending to analyze their merits, Hilliard cited the American System and the theory of Internal Improvements as a lasting monument to Clay's nationalistic views.

Hilliard next praised Clay for his boldness of nature and his intellectual strength. Closely related to these traits was his power of eloquence, which perhaps more than any other single factor was the secret of Clay's influence. "As an orator," declared Hilliard, "Mr. Clay

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<sup>52</sup> Ibid., 440-441.

<sup>53</sup> Ibid., 447.

<sup>54</sup> Ibid., 444.

stood unrivaled among the statesmen of our times

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Hilliard concluded his eulogy with the bold assertion that it was perhaps well that Clay had died without reaching the presidency. "Mr. Clay's fame is imperishable; no office could have added to its towering grandeur, or have shed upon it any additional lustre. It was becoming that he should die, as he had lived, 'The Great Commoner.'"<sup>56</sup>

Following the speech, the Montgomery Advertiser and State Gazette, apparently showing little interest in the public ceremony honoring the great Whig leader, observed that "we did not hear the eulogy, but understand it was long."<sup>57</sup> Nor is it surprising that reference to the length should be made, for the address, occupying forty-five pages in Hilliard's Speeches and Addresses, is his longest printed speech. The editor of the Alabama Journal summed up his reactions as follows:

The eulogy upon the life, character and services of the lamented Clay was most eloquently pronounced by the Hon. Henry W. Hilliard, in which his life was reviewed with the hand of the master, from his boyhood to the hour of his death. It was, indeed, an able and impartial history of the great statesman, and fully sustained the literary reputation of the author. We take it for granted that it will be published in pamphlet form, when all will have the

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55 Ibid., 450. 56 Ibid., 455.

57 Montgomery Advertiser and State Gazette, September 8, 1852.

opportunity and the pleasure of its perusal.<sup>58</sup>

The occasion of Hilliard's last public address in 1852, was a meeting of the Literary Club and citizens of Montgomery in honor of Webster, who had died in October. The speech, delivered in December, was much more compact and non-political than was the eulogy on Clay. Using the topical approach, Hilliard dealt only with Webster's character and the leading elements which constituted his strength.<sup>59</sup>

The years of 1853 and 1854 represent a period of disintegration of the Whig party throughout the Union. During these transitional years, in which new party alignments were being formed, Hilliard had little hope for maintaining the Whig organization in Alabama. Consequently, he took little part in politics. Devoting most of his time to his law practice, he declined to be a candidate for Congress in the spring of 1853.<sup>60</sup> He did, however, attend the Whig State Convention in June as a delegate from Montgomery.<sup>61</sup> Following the decisive victories of the Alabama Democrats in the congressional and gubernatorial

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<sup>58</sup>Montgomery Alabama Journal, September 11, 1852.

<sup>59</sup>In view of the fact that the speech was largely a tribute to Webster's oratory and hence constitutes elements of Hilliard's concepts of rhetorical criticism, it will be analyzed in Chapter XIII of this study.

<sup>60</sup>Tuskegee Macon Republican, April 7, 1853.

<sup>61</sup>Ibid., June 9, 1853.

elections of 1853, Hilliard virtually withdrew from the political arena. Significantly enough, he did not even participate in the early stages of the controversy over the passage of the Kansas-Nebraska bill, which became a law in May, 1854.

Not until the summer of 1854 did Hilliard's name again appear in the Montgomery newspapers with any degree of regularity. On July 2, he delivered one of his first major addresses since the eulogy on Webster in December, 1852. The occasion was the commencement program at La Grange Female College in La Grange, Georgia, and was without political implications. A reporter sent the following account of the speech to the Alabama Journal:

Mr. Hilliard, our distinguished fellow townsman, delivered the annual address to the graduating class --consisting of 23 in number. His subject was woman--her character, duties and capabilities,--and it was handled in a masterly manner. His thoughts were clothed in the richest drapery of the language and abounded in classical allusions, and historical illustrations, which rendered the speech highly interesting and held a previously wearied audience spellbound for the space of an hour.<sup>62</sup>

In August and September several of the few remaining loyal Whig papers in Alabama initiated a movement calling for the nomination of Fillmore and Hilliard on the

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<sup>62</sup>Montgomery Alabama Journal, July 22, 1854.

national Whig ticket in 1856. "With the name of Millard Fillmore for President, and Henry W. Hilliard for Vice President," said the Alabama Journal, "we could go forth to battle with an assurance that our cause must triumph over all opposition."<sup>63</sup> Three weeks later the Huntsville Advocate, asserting that "a better ticket could not be proposed," declared that Hilliard and Fillmore were "both able men, pure men, national men, and true patriots."<sup>64</sup> The Troy Advocate awaited "with unmingled pleasure the final announcement of" Hilliard's "name as a candidate for the Vice-Presidency."<sup>65</sup> The ill-timed boom had reached such proportions by late September that even the far away New York Express gave its support to the movement: "We should be proud indeed to see that gallant and sterling Whig, an accomplished scholar and statesman, Henry W. Hilliard, on the same ticket."<sup>66</sup> These proposals, though popularly received in some quarters, proved to be another futile attempt to prolong the life of the dying Whig party.

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63 Ibid., August 7, 1854.

64 Huntsville Advocate, quoted in ibid., August 28, 1854.

65 Troy Advocate, quoted in ibid., September 20, 1854.

66 New York Express, quoted in ibid., September 27, 1854.

In the winter of 1855 Hilliard was urged to enter the gubernatorial race as an independent candidate.<sup>67</sup> One week after this second Hilliard boom began, it was suggested that he "could be induced to take the field if a proper demonstration were made to call him out."<sup>68</sup> The writer further declared that the people of Alabama needed a man like Hilliard "to arouse them from their lethargy."<sup>69</sup> Another Alabamian observed that since "the distinction between the old parties are being well nigh effaced," the voters of Alabama would readily accept the national conservative ideas of Hilliard.<sup>70</sup> The candidacy was cut short, however, when Hilliard stated in a letter, in February, that he had no desire to oppose those who were in sympathy with his own views. He therefore declined "being considered amongst the number of aspirants for that station."<sup>71</sup>

During this period of political inactivity in the winter and spring of 1855, Hilliard delivered two special

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<sup>67</sup> Montgomery Alabama Journal, January 13, 1855.

<sup>68</sup> Ibid., January 20, 1855.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid., February 10, 1855.

<sup>71</sup> Ibid.

non-political addresses which added to his reputation as a scholar. The first of these speeches was a lecture on John Milton, presented before the Literary Club of Montgomery. Commenting on the nature and effectiveness of the lecture, the Alabama Journal said:

It was marked by a critical and just analysis of character and a fidelity of its description; while it was ornamented by all the adornments with which a chaste imagination could invest a subject of such absorbing interest, while the pleasing intonations of the voice of the lecturer, and his graceful elocution, added new charms to a theme ever fresh and ever new.<sup>72</sup>

The occasion for Hilliard's second epideictic address, delivered in early April, was the laying of the Cornerstone of the Methodist Episcopal Female College in Tuskegee. His thesis was "Female Education." "I must say, I have witnessed his efforts in many a field, and listened often to his burning eloquence," said an eye-witness, "but on this occasion I do think he was more than himself. His chaste style and eloquent manner never impressed me so forcibly before."<sup>73</sup>

Perhaps it was well that Hilliard had withdrawn from politics in 1853 and 1854; for during these two years, in which he concentrated primarily upon law, he

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<sup>72</sup>Montgomery Alabama Journal, February 3, 1855.

<sup>73</sup>Ibid., April 14, 1855.

had an opportunity to assemble his most important public addresses in book form. Published in 1855 under the title of Speeches and Addresses, the book contributed significantly to Hilliard's national reputation as an effective orator. Of the twenty-eight speeches which Hilliard chose for publication, seventeen were delivered in Congress. The titles and dates of the remaining eleven addresses are as follows:

Non-Congressional deliberative addresses

(1) "The Sub-Treasury System." A Speech delivered in the House of Representatives of Alabama, January, 1839.

(2) "Address to Constituents." A Paper addressed to the People of the Second Congressional District of Alabama, declining a re-election to Congress, December 3d, 1850.

(3) "General Taylor's Claims to the Presidency." A Speech delivered at the Buena Vista Festival in the Chinese Museum, Philadelphia, February 22d, 1848.

(4) "Massachusetts and the Union." A Speech delivered at a Dinner given to a Committee of Congress by the City Council of Boston, March 13th, 1848.

(5) "American Industry." A Speech delivered before the American Institute at Castle Garden, New York, October 14th, 1850.

(6) "The American Government." A Speech delivered in the Music Fund Hall, Philadelphia, January 3d, 1851.

Eulogies on public figures

(1) "Charles Carroll, of Carrollton." An Oration delivered in the Representative's Hall, before the Legislature of Alabama and the Citizens of Tuscaloosa,

December 17, 1832.

(2) "The Death of President Harrison." An Oration delivered before the Citizens of Montgomery, Alabama, April 21st, 1841.

(3) "The Life and Character of Henry Clay." An Oration delivered before the Citizens of Montgomery, Alabama, September, 1852.

(4) "Daniel Webster--His Genius and Character." An Address before the Literary Club and Citizens of Montgomery, Alabama, December, 1852.

Speeches of celebration

(1) "Woman--Her True Sphere." An Address delivered at the Commencement of La Grange Female College, La Grange, Georgia, July 12th, 1854.

Of particular importance to the student of Southern history is the fact that Hilliard's book was published by Harper and Brothers in New York. During the 1850's, Southern writers found it difficult to interest Northern publishers in their works. Hilliard's strong nationalistic views, however, had won the respect of conservative leaders in the North, thus making it relatively easy for him to find a sponsor. In reviewing the work, the National Intelligencer said:

Mr. Hilliard is a leading advocate of Whig measures, both in the Legislature of Alabama and in the Congress of the United States. His political career has been marked by a frank and manly support of his views on the great question of national policy; and the grave and dignified tone of his

style is in full keeping with the decorum gracing the halls of a Legislative Assembly. The speeches and addresses embraced in this volume are the most valuable fruits of the author's public labors for the last fifteen years, and show forth extensive research, profound knowledge, and a chaste and natural eloquence of expression.<sup>74</sup>

A far more extensive, and perhaps somewhat more biased analysis of Hilliard's work appears in Harper's New Monthly Magazine. "In this volume," observed the editor, "a distinguished public man of Alabama has given to the world a collection of the occasional performances which have established his reputation as a vigorous thinker and an eloquent debater, both on the floor of Congress and in the legislative halls of his own State."<sup>75</sup> After describing the content of the text, the critic then added:

The publication of the volume will open a wider sphere for the fame of the author. It will add to his celebrity as a politician the distinction of learning, profound thought, and vigorous and polished eloquence. It is rarely that speeches uttered in the heat of political debate, often, perhaps, on the spur of the moment, and, in many cases, on subjects of temporary interest, are worthy of preservation in a collected form. Their value passes away with the occasion that called them forth. They are speedily banished to some dusty nook of the library, where they are covered with cobwebs that no curious hand disturbs. Not so with the present volume. It is worthy to occupy a place by the side of the collections of statesmanship and eloquence which have recently done so much for the

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<sup>74</sup> Washington National Intelligencer, August 9, 1855.

<sup>75</sup> Harper's New Monthly Magazine, XI, (July, 1855), 260.

illustration of American literature. Its various contents are uniformly marked by extensive research, solidity of argument, and dignity and force of expression. Wherever the subject admits, a great wealth of historical reference is brought to its elucidation, enforcing the points at issue by analogy as well as by logical deduction. The eulogies on eminent Americans will be found to possess the greatest interest for the general reader, and, we think, will not fail to be regarded as excellent specimens of cordial but not indiscriminate panegyric.<sup>76</sup>

During the months in which Hilliard labored to produce his Speeches and Addresses, the political picture in Alabama and throughout the Union was rapidly changing. The almost extinct national Whig party was being supplanted by two radical groups: the American or Know-Nothing adherents and the free soil Republicans.<sup>77</sup> The Know-Nothing Movement, first initiated in the North in 1849, opposed the further immigration of foreigners into the United States and attacked the Catholics within the country.<sup>78</sup> There were three degrees in the organization of the party. To be a member of the first degree one had to be "American born and wholly unconnected by family ties with the Roman catholics."<sup>79</sup> The members of this rank,

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<sup>76</sup>Ibid., 260-261.

<sup>77</sup>The name "American" was used interchangeably with the name "Know-Nothing."

<sup>78</sup>Rhodes, A History of the United States from the Compromise of 1850, II, 50-58.

<sup>79</sup>Channing, A History of the United States, VI, 133.

occupying the lowest position in the hierarchy, promised to vote as the society determined. Those belonging to the second group differed from their colleagues of the first degree in that they were eligible for office holding within the order. The intellectual force behind the movement were the third degree members who alone were "competent to be nominated for office outside of the order."<sup>80</sup> In describing this new and somewhat mysterious party, Channing observed:

There was just enough mystery and formality to excite curiosity and desire. They were supposed to have a grip, a certain formula of vocal recognition, their meetings were summoned in a peculiar manner, and everywhere was the denial of knowledge which won for them their name.<sup>81</sup>

One of the first meetings of the National Council of the Know-Nothing party was held in Cincinnati in November, 1854. Perhaps the most noteworthy accomplishment of the convention was the inauguration of the third, or Union degree. "After the candidate should take an oath, as strong as words could make it, that he would faithfully defend the Union of the States against assaults from every quarter," points out Rhodes, "he would be admitted to the brotherhood of the order of the American

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<sup>80</sup>Ibid.

<sup>81</sup>Ibid., 134.

Union."<sup>82</sup> Six months after the Union decree was instituted, approximately one and one-half million men had taken the decree.<sup>83</sup>

The Know-Nothing movement entered Alabama in the early months of 1854. Despite the fact that not more than two percent of the population of the state were foreigners or catholics, the new party attracted many people. With only 678 members in June, the City of Mobile could boast of an increase to three thousand by December.<sup>84</sup> In the fall, "the Know-Nothings were elated by the election of C. R. Hansford as mayor of Montgomery by a vote of 339 to 134."<sup>85</sup> Encouraged by these early local successes the Americans began to plan for the state elections of 1855.

When the National Council of the American Party met in Philadelphia in June, 1855, the Southern delegates seized control. Ousting the founder of the Society from the Presidency, they put a Kentuckian in his place. More important, they adopted a resolution stating that the National Council has deemed it "the best guarantee of

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<sup>82</sup>Rhodes, A History of the United States from the Compromise of 1850, II, 87.

<sup>83</sup>Ibid., 88

<sup>84</sup>William Darrell Overdyke, Know-Nothing party in the South (Baton Rouge, 1950), 63.

<sup>85</sup>Ibid.

common justice and future peace to abide by and maintain the existing laws upon the subject of slavery."<sup>86</sup> The resolution declared, furthermore, that Congress had no right to legislate against slavery in the States or in the territories.<sup>87</sup>

One week later 150 delegates, most of whom were Whigs, assembled in a state convention in Alabama. Nominating George D. Shortridge, an ex-Democrat from Shelby County,<sup>88</sup> as the gubernatorial candidate, the Americans incorporated the following provisions into their platform:

(1) Native Americans alone should be elected to office.

(2) Paupers and criminals should be prevented from immigrating into the United States.

(3) Prior to their naturalization, foreigners in any of the territories should not be granted political franchise.

(4) While freedom of worship is a right guaranteed to all, no one should be elected to a public office who holds that a political power of a particular church may be greater than that of the United States.

(5) The federal government should not intervene with slavery, except for the protection of the constitutional rights of the South.

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<sup>86</sup>Channing, A History of the United States, VI, 136.

<sup>87</sup>Ibid.

<sup>88</sup>It has been pointed out that "as a general rule the Americans nominated former Democrats in those districts of great Democratic strength, and former Whigs in the Whig districts." Overdyke, Know-Nothing party in the South, 125.

(6) The Union should be perpetuated upon the principles of the Constitution.

(7) Law and order should be enforced.<sup>89</sup>

One of the most important Whig leaders in Alabama to throw his energies behind the Know-Nothing cause was Hilliard. For almost three years he had avoided participating in any political discussions. By the summer of 1855, however, Hilliard, confident that the Americans would enlist the support of conservatives throughout the South, felt that the time had come for him to return to the political arena in which he had exerted so much influence in the past. In a lengthy, animated, speech presented at Concert Hall in Montgomery in early July, Hilliard placed himself firmly behind the tenets of the Know-Nothing party. In doing so, he nevertheless acknowledged his loyalty to the Whig banner, asserting that "if today the circumstances existed to require it to be brought out, he would be ready to surround himself with the 'old guard' and meet its assailants."<sup>90</sup> Pleading for a unity which transcended mere party issues, he said in essence:

It was no longer a discussion as to the manner of conducting a government: but our country and our

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<sup>89</sup>Troy Independent American, June 12, 1855.

<sup>90</sup>Montgomery Alabama Journal, July 21, 1855.

altars demanded our services, and all who loved republican liberty and the Protestant cause should abandon old party alliances and come up to the support of the young, patriotic, and powerful organization called the American party. Let us catch the spirit of ancient republican Rome: quarrels between patricians and the people, however fiercely they raged, were bashed so soon as a foreign standard appeared at the gates of the city: and every bosom glowed with a burning desire to defend Rome.<sup>91</sup>

Hilliard proceeded to state four propositions as the basis for his argument in support of the platform of the American party. In the first place, he argued, "Americans must rule America." In defense of this principle Hilliard maintained that since a man's political philosophy is formed in his youth, a person reared under a monarchial system of the old world could not be as well qualified to hold an office of public trust as could one "whose eyes first beheld the light under our skies," and who had "been trained under our fine institutions."<sup>92</sup> Alluding to his favorite source of evidence--the Constitution--he pointed out the limitations which that document had placed upon foreign influence. He cited the requirements pertaining to a Representative, a Senator, and a Vice President and President of the United States. Why does the Constitution specify that only native born

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<sup>91</sup>Ibid.

<sup>92</sup>Ibid.

citizens can qualify for the two highest executive offices? Hilliard asked. He answered his own inquiry by declaring:

Our fathers saw that no man ought to be entrusted with the first offices of the republic who was born under the monarchial systems of Europe, or who was not reared under our own free institutions. We claim then that the platform of the American party rests upon the great principles of the American Constitution. Every objection levelled at our principles proclaimed at Philadelphia, applies with equal force to the principles embodied in the Constitution of the United States.<sup>93</sup>

Hilliard next considered the surprisingly large number of letters and speeches which had claimed that Alexander Hamilton and Robert Morris were foreigners:

We would pluck up those great names from the place where they had been cast, and restore them to the splendid galaxy of American heroes and statesmen where they properly belonged. Alexander Hamilton, a foreigner! Never! Robert Morris, a foreigner! Never! Because Hamilton and Morris were born in England does it follow that they were foreigners? At that time the dominion of England embraced this country. At that time the American government did not exist. How then could these men be foreigners? A foreigner is one who is born outside the jurisdiction of the government but our government had not then been created.<sup>94</sup>

Upon claiming that the secrecy of the order no longer existed, Hilliard turned to his second major contention, namely, that "this is a Protestant country, and must ever remain to be such." Levelling his attack against the Pope, Hilliard asserted that the Reformation

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<sup>93</sup>Ibid.

<sup>94</sup>Ibid.

"emancipated the mind of Europe from bondage. . . and taught all mankind that no Priest had the right to stand between man and his maker."<sup>95</sup> Aware that he might be opening himself to the charge of religious bigotry, Hilliard tried to clarify his position:

We make no war on Catholics--far from it; we welcome them to our shores; we invite them to our hospitalities; we see their churches go up without molestation: we attend their service even when they celebrate high mass: we admire the splendid decorations of temples: we admire the fervent piety of many of their worshippers; but we deny the right of Pope or Priest to touch the conscience; we distrust a politico-religious organization with the head of the church a temporal Prince hurling thunders against heretics; denouncing the open Bible. . . ; we dread the intolerant spirit thus displayed--a spirit manifested in our own country by the attempts made in New York and elsewhere to shut the Bible out of the public schools; and failing in that, attempting to divide the school fund that schools might be formed from which our body is to be excluded--we dread the ascendancy of such an organization, and when Brownson, one of their own writers, says that this shall be a Catholic country. . . we reply, never, if we can help it!<sup>96</sup>

It is difficult to understand how Hilliard, who had preached tolerance from the pulpit, from the halls of Congress and on the hustings in Alabama, could now take such an illiberal position with respect to foreigners and catholics. Rich in knowledge and experience gained at home and abroad, he hardly could have believed that the

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<sup>95</sup>Ibid.

<sup>96</sup>Ibid.

Pope had evil designs on America. In 1848, Hilliard had rebuked a colleague in Congress who opposed the recognition of the Vatican by the United States. In the same year, moreover, he had sought to give aid to the starving people of Ireland, and had given moral support to the republican leaders of France. One can only conclude that these unconvincing arguments based upon religious and racial intolerance represent but another desperate attempt on the part of the ex-Whig leaders to maintain a national conservative party.

If Hilliard stood on weak logical ground in his first two arguments, he improved his position immeasurably as he turned to his final two propositions. He contended in his third argument that the American party was a national organization designed to protect not only the rights of the Union but of the South as well. Arguing that Americans were safer on the slavery question than were the Democrats, he pointed with pride to the fact that the Abolitionists and Free Soilers had walked out of the American Party convention in Philadelphia:

Generous, gallant, young Giant, the American party stands today, like Sampson in his youth, his invincible locks streaming in the winds of heaven: his limbs unbound glowing with ardor and hope: you cannot bind him with cords, you cannot contain him within walls: He will burst through the gates of

Gaza and bear them away upon his broad shoulders! You call upon us to quit this platform because Northern abolitionists abandon it. To my mind that is a conclusive reason why Southern men could stand upon it and defend it.<sup>97</sup>

Hilliard's final contention was that the "American party deserves our support, because it seeks to maintain the Constitution and preserves the Federal Union." To substantiate this argument he reiterated his belief that slavery is "safer in the Union than it would be out of it." Appealing for widespread support of the Know-Nothing party, he said in conclusion: "We honor Whigs who support it; but much more do we honor the democrats who come up to its support, for they abandon a party, in the full plenitude of its powers, and prove that they love their country more than their party."<sup>98</sup>

The Alabama Journal was enthusiastic about Hilliard's first effort on behalf of the American party cause:

For more than two hours the eloquent gentleman spoke, amidst thunders of applause, in explanation and advocacy of the platform and principles of the "American Party"; and at the conclusion of his speech, the cheers of the large and excited audience were almost deafening.--We have heard speeches from many distinguished men in various parts of the country, but never did we hear a speech equal to this noble effort.<sup>99</sup>

Not so laudatory was the editor of the Montgomery

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<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

Advertiser and State Gazette who said: "Mr. Hilliard's remarks were often conceived with imaginative beauty and handsomely expressed. But his argument was deplorably weak, and never have we known so able a man completely unable to bear up against the crushing weight of a cause utterly indefensible."<sup>100</sup>

Hilliard's next political address was delivered in late July before two thousand people in the town of Nixburg. Of the speech and its effect, the Wetumpka Spectator wrote the following account:

Mr. Hilliard then addressed the assemblage with his usual eloquence and ability; in fact his audience were at times completely carried away in raptures. He took up the platform of the American party, section by section, and answered and refuted all of the objections Mr. Graham had made. . . . Mr. Hilliard continued in a most convincing manner, to defend the American party until dinner was announced at 2 o'clock. . . . At 3 o'clock Mr. Hilliard proceeded and enthralled and delighted the audience (not having left the ground) until near five, when he brought his remarks to a close--to the regret of nine-tenths of his hearers. I have often heard Mr. Hilliard speak, and never with more confidence in the justness of his cause.<sup>101</sup>

The first major test between the Democrats and the Americans in Alabama occurred in the state elections of August, 1855. The results, surprisingly enough, gave

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<sup>100</sup>Montgomery Advertiser and State Gazette, July 18, 1855.

<sup>101</sup>Wetumpka Spectator, July 29, 1855, quoted in Montgomery Alabama Journal, August 4, 1855.

encouragement to both sides. Winston, the Democratic candidate for Governor, received 43,926 votes, while George D. Shortridge, his American opponent, received 32,138 votes. Since the "American vote for Shortridge was the largest opposition vote that had been cast in the state of Alabama," it appeared that "the dissolution of the Whig party in 1852 had not discouraged nor disheartened the conservatives of the South."<sup>102</sup>

Shortly after the elections, Hilliard was offered the presidency of Emory College in Georgia. Convinced that the position was tendered to Hilliard because of his "sound judgment, finished scholarship and chaste manners," the Alabama Journal declared that "no one is better fitted for so responsible a station."<sup>103</sup> But Hilliard was not ready to leave the political battlefield to which he had returned so recently. Consequently, he declined the position.

While the parties were reorganizing for the presidential contest, Hilliard received his second invitation to speak in Boston.<sup>104</sup> In November, the Alabama Journal carried the following notice:

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<sup>102</sup> Hodgson, Cradle of the Confederacy, 562.

<sup>103</sup> Montgomery Alabama Journal, August 25, 1855.

<sup>104</sup> Hilliard to Nathan Appleton, Montgomery, October 30, 1855. Appleton Papers.

As has already been announced, this distinguished gentleman Hilliard has been invited to deliver one of the course of lectures some time during the ensuing winter, at the Tremont Temple, in Boston, on the subject of Slavery, and that he has accepted the invitation. . . . Mr. Hilliard, we understand, will present the subject to his audience in its threefold aspect--its moral, its actual or practical, and its political; and we are confident that he will do it full justice. We presume the time of the delivery of Mr. Hilliard's lecture will be published, and we shall look for a report of it with great anxiety.<sup>105</sup>

Unfortunately, the address was never delivered. Owing to illness, Hilliard was unable to make the trip to Boston. In his letter of apology to Appleton, he expressed the hope that he could present the lecture at a later date.<sup>106</sup> This speaking opportunity which never materialized is important to the student of ante-bellum history. That Hilliard was asked to speak in the North at a time when abolitionism was ready to divide the American party is significant. That he was to discuss the moral, practical, and political aspects of slavery is still more surprising. Clearly the Northern conservatives saw in Hilliard in 1856--as they had seen in 1848 and 1849 and were again to see in 1860--a stabilizing influence so badly needed to counteract the teachings of the abolitionists.

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<sup>105</sup>Montgomery Alabama Journal, November 3, 1855.

<sup>106</sup>Hilliard to Nathan Appleton, Montgomery, January 23, 1856. Appleton Papers.

The year of 1856 was perhaps the busiest political period which Hilliard had experienced since 1851. Early in February the Americans met in Montgomery to choose delegates for the National Convention to be held in Philadelphia on February 22, and to lay the groundwork for the 1856 campaign. Chosen an elector for the state-at-large, Hilliard delivered a speech in Estelle Hall a few days later upholding the principles of the American party. He maintained that the Kansas-Nebraska bill authorized the squatters in a territory to exclude slavery property if they so desired. Denouncing the doctrine of squatter sovereignty as being more detrimental to the South than was the infamous Wilmot proviso, Hilliard said:

By the exercise of the Wilmot proviso the people would know at the outset that they could not remove with their slaves to a territory, but by being subjected to squatter sovereignty the tenure of their property would be left to the accidents of the hour, and to the whims of political hirelings who might be sent to the territory, not as actual residents and permanent citizens, but to accomplish the success of a certain political party.<sup>107</sup>

Seated in the audience as Hilliard spoke was Yancey, who was soon to be chosen to serve on the Democratic electoral ticket. But Yancey's presence did not

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<sup>107</sup> Hodgson, Cradle of the Confederacy, 358.

deter Hilliard from pointing out the inconsistency of the slavery position taken by the Alabama platform in 1848. He argued that the "batteries which Mr. Yancey levelled against Cass and Buchanan in '48" because of their belief in squatter sovereignty was "directed against Pierce in '56."<sup>108</sup> Aware of the fact that the recent Democratic state convention had endorsed Yancey's resolutions of 1848, Hilliard declared that the national party, under Buchanan's leadership, would uphold the doctrine of Douglas. For that reason Hilliard believed that the "American party of Alabama occupied the advanced position on the question of slavery."<sup>109</sup>

The Daily Mail, an ardent American party supporter, disagreed with Hilliard's assertion that the Kansas-Nebraska act recognized the doctrine of "Squatter Sovereignty."<sup>110</sup> The editor also took issue with the claim that Fillmore should be the presidential candidate. These differences on vital points ultimately knocked the American party "into a Babylonian confusion."<sup>111</sup>

During the first week of April, the people of

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<sup>108</sup>Montgomery Daily Mail, quoted in Montgomery Advertiser, February 19, 1856.

<sup>109</sup>Ibid.

<sup>110</sup>Ibid.

<sup>111</sup>Tuscumbia Enquirer, February 27, 1856, quoted in Montgomery Advertiser, March 4, 1856.

southern Alabama forgot their political differences long enough to give their blessings to the Kansas expedition planned by Jefferson Buford, a lawyer from Eufaula. Forming a company of five hundred young men, Buford purposed to settle in Kansas "for the advancement of the Southern cause there."<sup>112</sup> Upon their arrival in Montgomery on the first leg of their journey, the emigrants, received a public welcome. At a farewell service given in the Baptist church, each emigrant received a Bible or the means to purchase one. The group then "formed a line, by companies, and wended their way to the wharf, where the steamer Messenger was lying to take them to Mobile."<sup>113</sup> Arriving at the wharf they heard a short but eloquent speech delivered by Hilliard. In summarizing Hilliard's arguments on this occasion the Advertiser said:

Hon. Henry W. Hilliard addressed them in a few pointed remarks--setting forth the right of the Southerners, relying for protection on the constitution of the country, to enter the territory of Kansas with their institutions and property and to claim protection therefore from the Federal Government. He counselled a spirit of peace and conciliation--to act on the defensive--and remarked that he was glad to see them go armed with the Word of Truth and the Constitution, rather than with Sharpe's rifles. He avowed his confidence in the success of their mission, and felt satisfied that by

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<sup>112</sup>Du Bois, The Life and Times of William L. Yancey, I, 288.

<sup>113</sup>Montgomery Advertiser, April 9, 1856.

no act of theirs would the South have cause to blush for those who had taken upon themselves the defense of their interests.<sup>114</sup>

One statement contained in Hilliard's remarks shows how far he had swung in the direction of Southern rights. The cotton bale which he used as a podium for his speech, pointed out Hilliard, typified the supremacy of the white race. "Providence may change our relations to the inferior race," he added, "but the principle is eternal--the supremacy of the white race."<sup>115</sup>

The 1856 campaign in Alabama began in earnest following the Democratic state convention in May. Yancey was chosen an elector from the state-at-large, and his Alabama Platform of 1848 was adopted. Meanwhile, the incidents of violence in Kansas were viewed with alarm by leading Democrats throughout the country. Thus, the delegates at the national convention in June passed over Pierce, who was too closely associated with the conditions in Kansas. They selected, instead, the always available, yet safe James Buchanan. To oppose Buchanan and Fillmore the newly organized Republican party--setting itself firmly against the extension of slavery--nominated John C. Fremont of California on June 17.

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<sup>114</sup>Ibid.

<sup>115</sup>Hodgson, Cradle of the Confederacy, 353.

Hilliard entered the contest for Fillmore, the American nominee, with a vigor reminiscent of the enthusiasm which he had displayed in his stump orations in 1849 and in 1851. Speaking often to crowds numbering four and five thousand, he canvassed the Black Belt region throughout the months of July, August, and September.<sup>116</sup> In almost every speech he denounced the doctrine of squatter sovereignty, praised the virtues and qualifications of Fillmore, and criticized Buchanan's unfriendly attitude toward the institutions of the South. Typical of the reaction of the American party press to Hilliard's speaking at this time can be found in the following account which appeared in the Troy Independent American:

Hon. Henry W. Hilliard has spoken--On Tuesday the Demosthenes of the South held forth, on the subject of politics, in this place. We will not attempt to sketch his inimitable speech. He spoke as only Mr. Hilliard can speak, occupying noble, manly and patriotic ground, reaching, by his fervid eloquence, the hearts of many, as was evidenced by the gushing of the unbidden tear. We never listened to a more powerful effort; and we only regret that every man in Pike was not present on the occasion.<sup>117</sup>

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<sup>116</sup>For brief accounts of these speeches see Montgomery Daily Mail, July 12, 19, 31, August 16, 26, 1856; Troy Independent American, August 16, September 17, 1856; Montgomery Alabama Journal, August 23, 30, 1856; Tuskegee Macon Republican, August 21, September 11, 1856; Montgomery Advertiser, August 27, 1856.

<sup>117</sup>Troy Independent American, September 17, 1856.

In August the people of central Alabama read with pleasure the announcement that Hilliard and Yancey would renew their joint discussions. In publicizing the long awaited event, the Montgomery Daily Mail, showing an objectivity which did not often characterize its views, said:

Those who love to hear political debate between strong men, who know each other thoroughly, and are conversant with the whole subject in debate, will do well to attend the Barbecue at Mount Meigs, next Tuesday, the 19th inst., when they will be gratified by being present at a political discussion between Hon. Henry W. Hilliard and Hon. William L. Yancey. These gentlemen will say all that can be said on their respective sides. There will be argument, satire, wit and humorous illustration.<sup>118</sup>

Much to the disappointment of the large audience which had assembled at Mount Meigs on the 19th, Yancey was unable to appear. A few days later, however, the two contestants met in Montgomery. The Advertiser declared that both had been heard to make better speeches: "Yancey, to be conciliatory of those who differed with him, filed his spirit down; Hilliard, desirous of conciliating those with whom he agreed, forced his spirit up."<sup>119</sup> Despite these below par performances, however, the debate made a

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<sup>118</sup>Montgomery Daily Mail, August 16, 1856.

<sup>119</sup>Montgomery Advertiser, quoted in Du Bois, The Life and Times of William L. Yancey, I, 311.

profound impression on the auditors.

As the campaign drew to a close, the hopes of the Americans began to sag. Establishing himself increasingly as a friend to the South, Buchanan attracted large numbers from the opposition party in Alabama. The effect of this trend on Hilliard's oratory is indicated by the tenor of his speech at Mount Meigs on August 19. On this occasion he was "as fair and mild as he could well have been," wrote the Advertiser, "in extolling Fillmore and depreciating Buchanan."<sup>120</sup>

Besides marking his return to politics and the renewal of his debates with Yancey, the campaign of 1856 held additional significance for Hilliard. It was the first time that he had an opportunity to speak on a political subject to the people of North Alabama. In 1856 Hilliard felt that the time had come to make a spirited attempt to crack the Democratic stronghold of the north. Announcing a list of speaking appointments extending from Florence to Huntsville, Hilliard challenged General L. P. Walker, a member of the Buchanan electoral ticket, to meet him in debate. In their first encounter at Florence, Walker was unsparing in his attack on his American opponents.

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<sup>120</sup>Montgomery, Advertiser, August 27, 1856.

Notwithstanding the unfriendly surroundings, Hilliard, in rising to reply, boldly asserted that "if the gentleman supposed that I could be taken at a disadvantage because I appeared for the first time in the presence of those who were assembled to hear us, he would discover that his course was as impolitic as it was ungenerous, and that he would encounter a signal defeat."<sup>121</sup> Walker immediately arose and disclaimed any purpose on his part to conduct the discussions in an unfriendly manner.

Perhaps Hilliard's most important speech on his northern tour was the address delivered at Huntsville in September. Speaking of the occasion and the setting, Hilliard said:

I was impressed by the appearance of the audience: gentlemen of both political parties, ladies in great numbers, eminent men, political leaders, were before me. It was a typical Southern assemblage; wealth, culture, and elegance greeted my sight on every side. On my right sat ex-Senator Clemens, a brilliant and distinguished statesman, whose powerful eloquence had often electrified audiences at home and in the Senate.<sup>122</sup>

Although Hilliard, in the body of his speech, attempted to fasten the doctrine of squatter sovereignty upon Buchanan, he did not question his "fidelity, nor abuse or berate him."<sup>123</sup>

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<sup>121</sup> Hilliard, Politics and Pen Pictures, 272.

<sup>122</sup> Ibid.

<sup>123</sup> Huntsville Southern Advocate, October 2, 1856.

In setting forth the claims of Fillmore he declared that the ex-Whig president "was safe for the South."<sup>124</sup> Hilliard's desire and ability to tie in the physical surroundings with a point in his Huntsville speech is indicated by the following excerpt from the Politics and Pen Pictures:

Huntsville is in the midst of magnificent scenery, and in the course of my speech I said it sometimes happened that a great man was not fully understood; the exhibitions which he made from time to time were imperfectly seen, and that Mr. Fillmore, to be appreciated, must be seen in his fullest proportions: just as sometimes, when looking out upon the landscape which surrounds this beautiful place, a morning mist shuts out the loftiest peak of a mountain, leaving only its base visible, but when the sun advances in his course and the cloud is lifted, revealing its entire height, it then impresses us with its grandeur and majesty.<sup>125</sup>

In most of Hilliard's addresses thus far, little reference was made to Fremont's candidacy. Hilliard told his Huntsville audience, however, of the dangers inherent in the Republican party platform. He maintained that if the South submitted to further aggressions upon her rights, she would, in effect, be consenting "to change her social condition--that is, abolish her domestic institution."<sup>126</sup> Since the election of Fremont would constitute aggression,

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<sup>124</sup> Ibid.

<sup>125</sup> Hilliard, Politics and Pen Pictures, 273.

<sup>126</sup> Huntsville Southern Advocate, October 2, 1856.

in Hilliard's opinion, he favored under such circumstances a policy of open resistance. This was doubtless Hilliard's most aggressive sectional statement since his congressional debates on the Wilmot proviso, and it shows clearly his gradual transition to the strong Southern rights position which he was to take in the late 1850's.

The Southern Advocate, a Democratic supporter since 1855, not only liked Hilliard's "courteous and dignified" manner, but praised the sentiments which he expressed: "We were especially pleased to hear the high Southern ground taken by Mr. Hilliard, so far ahead of any Know-Nothing speaker we have heard."<sup>127</sup> Despite Hilliard's support of Fillmore, the editor believed "that when the struggle comes as it may come, he [Hilliard] will be found at his post true to the South and ready to imperil all to secure her safety."<sup>128</sup>

Shortly after Hilliard's successful North Alabama tour,<sup>129</sup> he was invited to attend a mass meeting in

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127 Ibid. 128 Ibid.

129 The Montgomery Alabama Journal, October 11, 1856, observed that the Alabama press of all parties warmly praised Hilliard's North Alabama speeches. Notwithstanding the fact that Hilliard's acknowledged intention in the 1856 campaign was to promote a spirit of nationalism, Dorman has pointed out that "The speeches made in North Alabama by Yancey and Hilliard were important for later developments. They brought about a better political understanding between the two sections of the state, and made advocates for Southern Rights in a section where unionism had previously been very strong." Dorman, Party Politics in Alabama, 133.

Atlanta given by the friends of Fillmore. Seated on the platform was Benjamin H. Hill who, along with Hilliard, was scheduled to speak. As Hilliard rose to address an enthusiastic crowd numbering 25,000<sup>130</sup> he was "exhilarated by the spectacle."<sup>131</sup> Praising Fillmore's loyalty to the Union, he told his sympathetic audience that a spirit of nationalism was needed in order to save the country. "At the conclusion of my address," observed Hilliard, "the whole assemblage rose to their feet and cheered me with unsurpassed ardor."<sup>132</sup>

Despite the efforts of the American party orators the Democrats, largely owing to their strong appeal to the conservatives of the South, won a decisive victory in Alabama in November. By amassing 46,000 votes out of a possible 74,000, they won 44 of 52 counties. Buchanan received 6,000 more votes than Winston and gained in 1855.<sup>133</sup> Hilliard could receive a modicum of satisfaction, however, from the fact that the Americans polled their largest vote in the counties around Montgomery where he made numerous speeches for the ticket. "This defeat

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<sup>130</sup>Troy Independent American, October 15, 1856.

<sup>131</sup>Hilliard, Politics and Pen Pictures, 274.

<sup>132</sup>Ibid.

<sup>133</sup>Dorman, Party Politics in Alabama, 133.

marked the end of the American Party in Alabama," according to Dorman, "though the Americans continued to hold some of the county offices."<sup>134</sup>

The years from 1852 through 1856 were not so fruitful for Hilliard as were the ones covering his terms in Congress. That this was due more to a change in political alignment than to a decrease in oratorical effectiveness no one can doubt. With the disintegration of the Whig party and its offspring--the Americans or Know-Nothings--came a rejuvenated national Democratic party built upon conservative principles. Confronted with a choice between two conservative groups, the people of Alabama had little difficulty in choosing to follow the Democrats--by far the strongest bulwark against Black Republicanism.

In the face of hopeless odds, Hilliard tried valiantly to perpetuate the life of the dying Whig party. True, he had shown some degree of apathy in the colorless campaign of 1852; but he had stumped his state with considerable vigor in 1855 and in 1856. The audiences to which he spoke responded with an enthusiasm that was reflected at the polls. In brief, it would appear that the limited success which the Whigs and Americans enjoyed in

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<sup>134</sup>Ibid., 135.

Alabama in the middle 1850's was, to a large extent, the result of Hilliard's forceful stump oratory.

## CHAPTER XI

### YEARLING DEMOCRAT: 1857 - 1859

The presidential election of 1856 sounded the death knell of the American party. Born of expediency, and comprised of heterogeneous elements, the party could not hope to survive the decisive Democratic victory. As the crucial year of 1857 approached, therefore, two possible courses of action were open to the Southern Know-Nothing leaders. First, they could assay to rebuild their shattered organization around a nucleus of ex-Whigs and Americans. Secondly, they could cooperate with the Democrats by giving their support to the Buchanan administration.

The first alternative, to stand by the American party, held little promise for future success. Badly divided over the slavery issue, the Americans had lost much of their influence in the latter months of the presidential campaign. The issue which had all but alienated the Northern and Southern wings of the party now stood as a wedge preventing a reconciliation. Faced with such a dilemma, the party, yielding to the pressure of the Republicans on the one hand and to the Democrats on the

other, was reduced to an impotent sectional organization which could not expect more than local success.

To a surprisingly large number of thoughtful Southern American party leaders, the second alternative, to join forces with the Democrats, seemed sound. Buchanan had won the election on the basis of his strong conservative views. If that moderate position was to be maintained against the increased onslaughts of the Black Republicans, the new President could well use the support of the defected Americans. Under such circumstances numerous ex-Whig adherents, hoping to preserve some type of national conservative party, sincerely believed that they could actively cooperate with the Democrats without sacrificing their own political principles. Those who held such a view were strengthened in their conviction following the inaugural address of Buchanan. For the sentiments which Buchanan expressed relative to slavery were beyond the fondest expectations of the Southern leaders. After pointing out that men held different opinions as to the time when the people of a territory should decide for slavery or freedom, the new President declared:

This is, happily, a matter of but little practical importance. Besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and

finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be, though it has ever been my individual opinion that, under the Nebraska-Kansas Act, the appropriate period will be when the number of actual residents in the Territory shall justify the formation of a constitution with a view to its admission as a State into the Union.<sup>1</sup>

As Buchanan delivered his address, he knew that the Supreme Court "was about to decide that slavery should range freely through any Territory until the moment came for its admission to the Union."<sup>2</sup> Thus, his statement "amounted to a cool proposal that the Republican Party, built on a demand for the exclusion of slavery from all Territories," states Nevins, "should disband; it amounted to an equally cool proposal that the Douglas, or squatter sovereignty, wing of the Democracy, built on the demand for early territorial autonomy, should give up its basic tenet."<sup>3</sup>

The effect of Buchanan's inaugural address upon Hilliard is indicated by the following remarks of Benjamin Gardner, a staunch Whig who for years had edited the Eufaula Shield:

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<sup>1</sup>James Buchanan, The Works of James Buchanan, 12 vols. (Philadelphia, 1910), X, 106-107.

<sup>2</sup>Nevins, The Emergence of Lincoln, I, 89.

<sup>3</sup>Ibid.

In March 1857 directly after the inauguration of Mr. Buchanan Mr. Hilliard came to Troy to attend circuit court when I met him -- he asked me if I had read Mr. Buchanan's inaugural address. I told him I had; he then went on to speak of the Conservative Address, and declared his purpose to support the Administration of Mr. Buchanan on the strength of that address. I replied that I thought he could do so without any sacrifice or change of political principles and while in Troy he wrote an Address to the people announcing his purpose to support the administration as an ally of the Democratic party. He never admitted that he was a democrat tho'. . . .<sup>4</sup>

In the letter which Hilliard wrote on this occasion, he tried hard to show that his sudden switch to the Democratic party meant no change in his fundamental political concepts. "There is not in Mr. Buchanan's Inaugural Address," he said, "a single sentiment, which is in conflict with my votes and speeches, during my entire term of service in Congress."<sup>5</sup> Nor was there any statement which was in opposition to the stump orations which he had given first as a Whig and then as an American. In the campaign of 1856, for example, Hilliard had cried out against two evils: Black Republicanism and the doctrine of squatter sovereignty as taught by Douglas. As has been stated, Buchanan, by concurring with the Dred

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<sup>4</sup>Benjamin Gardner to Miss Toccoa Cozart, April 7, 1901, Hilliard Papers, Alabama State Department of Archives and History, Montgomery.

<sup>5</sup>Montgomery Daily Mail, April 1, 1857.

Scott decision, took a similar stand. In summing up the reasons for taking his new position Hilliard emphasized the importance of a unified South:

The time has come for the South to unite, and surely no fitter occasion for it ever appeared in our history. . . . The party which elected Mr. Buchanan to the Presidency, has achieved a great triumph over the enemies of the South . . . and so long as that party maintains its proud position, and adheres to the principles announced in the Inaugural Address, I am prepared to cooperate with it. It is a national party. . . .<sup>6</sup>

As soon as Hilliard's letter of explanation appeared in the Montgomery newspapers a howl of protest was voiced by the Whigs and Americans. "It is impossible that Mr. Hilliard should ever have on the Democratic 'Wedding Garment,'" said the editor of the Daily Mail.<sup>7</sup> With still more bitterness, the Macon Republican declared that "Mr. Hilliard never belonged to but one party in his life, and that is the Hilliard party."<sup>8</sup> Similarly, an Old Line Whig, regretting that Hilliard had not returned to the full-time ministry following Fillmore's defeat,<sup>9</sup> believed

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<sup>6</sup>Ibid.

<sup>7</sup>Ibid.

<sup>8</sup>Tuskegee Macon Republican, April 23, 1857.

<sup>9</sup>At the Alabama Methodist Conference held in December 1856, it was generally believed that Hilliard would return to the active ministry. See Tuskegee Macon Republican, January 1, 1857; Montgomery Alabama Journal, January 10, 1857.

that the inscription on Hilliard's tomb would read: "Here lie the manes of a Minister of the Cross, who chose rather to be a subaltern of James Buchanan than a missionary at the altar of his country's God."<sup>10</sup> Nor was the opposition to Hilliard's defection limited to the Whig and American supporters. The Aberdeen Sunny South, a Democratic paper in Mississippi, sarcastically said:

Too Late.--Henry W. Hilliard, the self-conceited coxcomb of Alabama, has written a long letter, giving in his adhesion to Mr. Buchanan and his Inaugural. Indeed, Mr. Hilliard turns a beautiful somerset into the Democratic ranks. He has the agility of an India rubber man, and would make a capital performer as Mr. Merriman in the ring. . . . We have no room in our household for eleventh hour saints. Mr. Hilliard is just six months too late. The Democratic Church is full to overflowing, and the door was closed last November.<sup>11</sup>

Not all of the Alabama editors, however, agreed with the above sentiments. The Tuscaloosa Observer, referring to the so-called political change as "no change at all," pointed out that Hilliard had "ever been true to the South; ever speaking in the interest and prosperity of his State and section."<sup>12</sup> This defense, along with

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<sup>10</sup>Mobile Advertiser, quoted in Montgomery Daily Mail, May 20, 1857.

<sup>11</sup>Aberdeen (Miss.) Sunny South, quoted in Montgomery Daily Mail, April 15, 1857.

<sup>12</sup>Tuscaloosa Observer, quoted in Tuskegee Macon Republican, May 21, 1857.

others of a similar nature, failed to still the tempest which raged with increased fury throughout the spring of 1857. In April, Hilliard spoke in Tuskegee, hoping to clarify further his position. While the address, his first as a sympathizer of the Democratic party, was largely an amplification of his letter, it contained the important assertion that the American party "at the North, was the ally of the Democracy in the late canvass."<sup>13</sup> As to the effect of the remarks, the Daily Mail happily reported that "the slight applause it elicited sounded like the falling of clogs upon a coffin."<sup>14</sup>

A few days later Hilliard delivered a similar address at Estelle Hall in Montgomery. Describing the scene as the speaker ascended the platform, the Daily Mail, still chafing under the loss of the American party's most effective orator in Alabama, observed:

Mr. Hilliard, graceful in the garlands with which he was adorned, walked up to the Democratic altar, in Estelle Hall, last Saturday, with quite a firm tread -- as we have understood -- and exhibiting only a very slight degree of emotion. Every thing had been provided in a careful and orderly manner; and there seemed to be no desire to add to the intensity of the agony which the mere necessities of the occasion required. It was enough that the man of fine intellect and facile address -- with considerable

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<sup>13</sup>Montgomery Daily Mail, April 17, 1857.

<sup>14</sup>Ibid.

reputation abroad and some at home -- should be compelled to bow his proud neck, in abject humiliation, before the enemy he had defied a thousand times, without expressing by external signs the emotions excited by such a scene.<sup>15</sup>

A clue to the reaction of the Democrats can be found in the Mail's assertion that they "listened respectfully . . . and at such points as Mr. Hilliard evidently intended should be cheered, they did cheer."<sup>16</sup> "When we reflect on what he has sacrificed to join their triumphant host," continued the editor, "we must admit that these minor observances of the proprieties were the very least due to the victim."<sup>17</sup>

Not content to answer merely those critics of his own state, Hilliard set forth his views to the editors of the National Intelligencer in late May:

You refer to me as one "whose former political associations, at least while he co-operated with the Whig party, had warranted us in supposing him the advocate of conservative opinions and prudent counsels." In this you do me justice, and I assure you, gentlemen, that I am not less the advocate of conservative principles and counsels which I esteem prudent to-day, than when you and I stood together under the standard of that grand, national, patriotic party . . . -- the Whig party. So long as it maintained its organization I shared its fortunes. . . . But the great contest through which the country has just passed brought about a change in party alliances,

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<sup>15</sup>Ibid., April 20, 1857.

<sup>16</sup>Ibid.

<sup>17</sup>Ibid.

and men hitherto sundered and antagonistical found themselves brought into new relations to each other. . . . My old Whig partialities, my personal regard for Mr. Fillmore, and my confidence in his wisdom and patriotism . . . led me to the ranks of his supporters; but I always insisted that the Government might be entrusted safely either to him or to Mr. Buchanan.<sup>18</sup>

From the standpoint of logic Hilliard had fully vindicated himself for having changed his party affiliations. While it is true that he had deserted the party which he had led so long, he had not deserted his principles. He still remained true to the three cardinal tenets which had characterized his thinking for more than twenty years: loyalty to the South; to the Union; and to the Constitution. To put these principles successfully into practice, thought Hilliard, a national conservative party was needed. Since the Democrats, under the leadership of Buchanan, proposed a policy completely in accord with his philosophy, Hilliard was willing to sacrifice his own party preferences. Doubtless this would be a wiser course than to give allegiance to an organization whose influence had gone.

But while Hilliard's action could be justified by reason, it is not surprising to note the violent reaction of the Whig and American party journals. The loss of

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<sup>18</sup>Washington National Intelligencer, June 2, 1857.

Hilliard, long the most influential leader of his party in Alabama, meant the end, at least temporarily, of a strong two-party system in that state. After Hilliard had decided to give his support to Buchanan, states Dorman, "other leading Whigs, and Americans began to take a similar attitude."<sup>19</sup>

At the Democratic state convention held on June 1, there were 230 delegates, including Hilliard, in attendance. From the beginning harmony prevailed. Following the selection of A. B. Moore as the gubernatorial nominee, three of the defeated candidates "made speeches . . . and pledged their support for the ticket."<sup>20</sup> Besides choosing candidates to represent the Democratic party in the summer elections, the delegates passed two important resolutions. The first was an expression of approval of the Supreme Court decision pertaining to the Dred Scott case. The second resolution was a friendly welcome to those, like Hilliard, who had recently joined the Democratic party: "We cordially welcome to our ranks all who, in good faith, are willing to sustain the present Administration, and to aid us in protecting the

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<sup>19</sup>Dorman, Party Politics in Alabama, 137.

<sup>20</sup>Ibid., 138.

equal rights of all our people, however widely they may have differed from us upon issues which are now obsolete."<sup>21</sup> Received with such warmth, Hilliard found it easy, in a speech on June 3, to endorse the policies of the convention.<sup>22</sup>

In the August elections the Democrats carried the state by increased majorities. The strongest opposition to the victorious party came in the Montgomery district where T. J. Judge opposed James F. Dowdell. "Both Yancey and Hilliard were called upon to stump the district for Dowdell, and Robert Toombs was brought from Georgia to make speeches for him."<sup>23</sup> In addition to his addresses in support of the Democratic congressional candidate from the Montgomery district, Hilliard delivered a speech of dedication at the cornerstone laying at Auburn Male College. The speech, presented on August 18, provoked the following brief response from a Whig who was present: "I may mention that Mr. Hilliard delivered a fine address, at night in the College Chapel."<sup>24</sup>

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<sup>21</sup>Proceedings of the Democratic Gubernatorial State Convention held in the City of Montgomery . . . June 1, 1857 (Montgomery, 1857), 15.

<sup>22</sup>Ibid.

<sup>23</sup>Dorman, Party Politics in Alabama, 140.

<sup>24</sup>Tuskegee Macon Republican, August 20, 1857.

In the year of 1857, called by Dorman "the era of good feelings in Alabama politics,"<sup>25</sup> Hilliard and Yancey, for the first time in their career, worked side by side in advancing a common cause. Despite this temporary alliance, however, they were still far apart in their political premises. The gap between them which had partially closed in 1857 widened appreciably at the outset of 1858. As a result, Hilliard and Yancey became the leaders of contending factions within the Democratic party. Soon the people of Alabama were again forced to choose between two alternatives. Either they could follow Hilliard who, like Buchanan, wished to proceed along a steady, moderate course, or they could rally behind Yancey who was determined to veer in the direction of extreme Southern rights.

The most pressing issue on the American political scene in late 1857 was the Kansas question. Since there were, at the time of the controversy, sixteen free and fifteen slave states, Southern leaders saw a chance to restore temporarily, at least, the equilibrium of the two sections. By mid-year, however, they viewed with consternation the trend which was rapidly moving against them. The newly appointed Kansas governor, Robert Walker,

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<sup>25</sup>Dorman, Party Politics in Alabama, 137.

announced his intention "to bring Kansas by peaceful steps to the position of a freesoil but Democratic State."<sup>26</sup> To carry out his plan he threatened, if necessary, a policy of intervention. Enraged and hysterical over the prospects of seeing Walker hand over Kansas to the abolitionists, the Southern rights press immediately opened fire on the governor, asserting that he "was trying to cheat their section in order to keep the Northern and Southern Democrats united."<sup>27</sup>

The demand for Walker's dismissal could be heard throughout the Lower South. Buchanan "must repudiate the governor," asserted the Montgomery Advertiser, "or the South would turn against the Administration."<sup>28</sup> Many Southerners, it should be noted, objected more to Walker's policy of intervention, than to a possible unfavorable decision by the constitutional convention which was to meet in the fall.

The eyes of the nation were focused upon Lecompton, Kansas, in late October as sixty delegates, forty-eight of whom were originally from slave states, assembled for

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<sup>26</sup>Nevins, The Emergence of Lincoln, I, 152.

<sup>27</sup>Ibid., 163.

<sup>28</sup>Montgomery Advertiser, quoted in ibid., I, 163.

the purpose of writing a constitution.<sup>29</sup> With such a pronounced Southern majority, the convention passed measures which negated in part previous congressional action. Under the Nebraska Act, the people had a right to decide on the immediate existence of slavery, whereas the convention at Lecompton merely gave them the right to decide whether or not slaves should be introduced.

Yielding to extreme Southern pressure, the wavering Buchanan, who had previously given his blessings to Walker, now reversed his stand by calling for congressional approval of the Lecompton Constitution. Such a plan not only placed the President in opposition to the Republicans; he was countering Douglas and a large segment of the Democratic party as well. In the November elections, coming shortly after the Lecompton episode, the Republicans and Douglas Democrats arrayed themselves against Buchanan. In the face of such determined opposition, the Administration went down to a resounding defeat, losing eighteen House seats in all. To Southern leaders the handwriting was on the wall. Not only had Buchanan been rebuked by the opposition party for siding with the pro-slavery factions in Kansas, but he was repudiated by the powerful Northern

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<sup>29</sup> Nevins has observed that four-fifths of the delegates were "ignorant, semi-illiterate, and prejudiced men, totally unrepresentative of the Kansas population." Ibid., 229.

wing of his own party. Consequently, the President's influence sharply declined. In the South as well as in the North he had come to be viewed as incapable of restoring equilibrium.

Alarmed at the balance which was rapidly tipping in favor of the North, Southern rights leaders became more aggressive as the year 1857 drew to a close. No longer were they content to place their faith in Buchanan's indecisive leadership. In December a Yancey-dominated meeting was held in Montgomery for the purpose of protesting the Kansas policies of Walker and the action of the Northern Democrats. To offset the influence of this sectional gathering, the Montgomery Confederation, a conservative Democratic organ, urged the people of central Alabama to hold another meeting, this time to endorse Buchanan's message to Congress upholding the Lecompton Constitution.<sup>30</sup> In view of the fact that Hilliard was asked to be the principal speaker, it was believed by some political observers that John J. Seibles, editor of the Confederation, had launched a campaign to force Yancey from his position as leader of the Democratic party in Alabama. If that was his aim he could not have chosen a

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<sup>30</sup>In upholding the provisions of the Lecompton Constitution Buchanan urged the people of Kansas to go to the polls on December 21, and choose between "with" and "without" slavery.

stronger man than Hilliard to lead the conservative wing, called the "Hunkers."

In Hilliard's most important Democratic speech to date, he reiterated his confidence in Buchanan's leadership. "The object of this meeting," he said, "was to express in earnest and strong terms our purpose to stand by the Administration in its present noble constitutional position."<sup>31</sup> Asserting that the Kansas question had changed since 1856, Hilliard maintained that "the people of that Territory should be permitted to form their Constitution in their own way."<sup>32</sup> "For my own part," he added, "I feel undiminished confidence in Mr. Buchanan, after a full review of his relations to all questions affecting the rights of the South."<sup>33</sup> In a conclusion filled with praise for Buchanan and the Democratic party, Hilliard said: "The Democratic party in 1856 saved the Republic; it has yet a great work to accomplish. It must prepare for the battle of 1860. We must save this Union; it can be saved if we are true to ourselves."<sup>34</sup>

Commenting on the address, Henry D. Clayton, a

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<sup>31</sup>Montgomery Advertiser and State Gazette, February 3, 1858.

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.

<sup>34</sup>Ibid.

Yancey sympathizer, said that Hilliard "made the graceful speech he always does; nothing extraordinary about it, but, I repeat, a very good speech."<sup>35</sup> At the conclusion of Hilliard's remarks, Yancey, amid cries from his followers, took the stand and denounced his perennial rival. Climaxing his address he referred to Hilliard as "A year old, still at the breast."<sup>36</sup> This unexpected debate could not have come as a surprise to the Montgomery audience. They had known from the beginning that membership in the same party was not enough to unite Alabama's two greatest orators in heart and sentiment. What disturbed Yancey most was that Hilliard, a "yearling Democrat," was challenging him for the leadership of the party which the great fire-eater had dominated for almost twenty years. In February, the Pickens Republican correctly observed:

It cannot but be uncomfortable to Mr. Yancey, after he had got cozily back into the democratic party, after his hegira of 1848, to be thus outbid and bearded in his own den by so young fledged a "yearling" disciple to Locofocoism as Hilliard -- he a worn veteran of fifty years, or upwards, in the ranks of old line Whiggery, passing through the door of Sam & Company, into the modern democratic church, and, parson as he is, taking the high seats in the

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<sup>35</sup>Du Bois, The Life and Times of William L. Yancey, I, 350.

<sup>36</sup>Ibid., 351.

Synagogue to the rejection and ejection, of such Knights as the Knight of Mt. Vernon. We say "ejection," for rely on it, the intention is to drive William Lowndes Yancey to the wall.<sup>37</sup>

Meanwhile the fire-eaters had turned their faces toward the annual Southern Commercial Convention which was to be held in Montgomery on May 10, 1858. The meeting, in the opinion of numerous radicals of the cotton kingdom, was an opportunity for the South to flex its muscles in defiance of the action which the North had taken in the implacable Lecompton quarrel. In early May four hundred delegates from ten states arrived in Montgomery. Of that number, said Edmund Ruffin in his diary, only two members outside of Virginia were not in favor of secession.<sup>38</sup> In a somewhat contemptuous vein, the Montgomery Daily Confederation declared: "Every form and shape of political malcontent was there ready to assist in any prospect having for its end a dissolution of the Union, immediate, unconditional, final."<sup>39</sup>

In the initial hours of the convention the delegates listened to Yancey's welcoming address, chose A. P. Calhoun, the son of John C. Calhoun, as president, and appointed the usual committees. From the beginning it was

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<sup>37</sup>Pickens Republican, February 18, 1858.

<sup>38</sup>Robert R. Russel, Economic Aspects of Southern Sectionalism, 1840-61 (Urbana, Ill., 1924), 364.

<sup>39</sup>Montgomery Daily Confederation, May 18, 1858.

evident that the gathering was interested in but two subjects: disunion and the African slave supply. L. W. Spratt's resolution that the foreign slave trade should be reopened<sup>40</sup> provoked a bitter debate. Yancey and others defended it against the attack of such men as Roger A. Pryor of Virginia and Hilliard. It seemed clear that the radicals, in introducing such an impractical resolution, believed that the time had come to push their program of disunion.

To combat this trend Hilliard made a lengthy,<sup>41</sup> eloquent appeal urging his hostile audience to reject the slave-trade resolution, and to consider the value of remaining in the Union.<sup>42</sup> His first major contention was that since the South did not hold an inferior position in the General Government, there was no need to dissolve the Union. To support this argument Hilliard cited the recent events which had proved favorable to the South. He pointed out the Dred Scott decision, the acknowledged opinions of Buchanan, and possible subsequent court action as being

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<sup>40</sup> Hodgson, Cradle of the Confederacy, 372.

<sup>41</sup> Hilliard's speech, observed one writer, "occupied most of the day." Knoxville Southern Citizen, May 27, 1858, Yancey Papers.

<sup>42</sup> Unfortunately there are no verbatim accounts of any of the speeches. De Bow's Review, however, contains comprehensive paraphrased versions of the leading addresses.

sympathetic to the institution of slavery. In brief, the present issues, he argued, did not warrant disunion.

Before taking up the resolution on slave trade, Hilliard established the important principle that the South should "admit everything we have conceded in the Constitution, but insist upon every right the Constitution guarantees to us."<sup>43</sup> Upon that premise he then built the argument that legislation in regard to the African slave trade had been conceded by the founding fathers. Drawing upon Elliott's debates, he graphically showed that the framers of the Constitution, including James Madison, had voted to restrict the slave trade. Furthermore, he added, numerous Democratic administrations and cabinets had recognized congressional laws relating to restriction as being constitutional.

Hilliard analyzed next the practicability of the resolution. He maintained that if it were adopted every fanatic opposed to the institutions of the South would be encouraged to "agitate with a view to overthrowing those institutions."<sup>44</sup> Not content to base his objection on the question of inexpediency alone, however, Hilliard showed that even if the plan were practical it would nevertheless

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<sup>43</sup> De Bow's Review, XXIV (June, 1858), 591.

<sup>44</sup> Ibid., 592.

be undesirable. In essence he said:

It would make the Southern States the great slave-market of the world, and would introduce here a horde of wild barbarians, whom the gentleman from South Carolina . . . in his own report, characterizes as devils, who have no knowledge of God. . . . It would be unwise to introduce these wild barbarians in our midst, though they might themselves be benefitted by being brought in contact with the highest form of Christian civilization the world ever saw. It would be spreading over the South a teeming population of barbarians, in such numbers as must inevitably renew here the scenes of St. Domingo and Hayti.<sup>45</sup>

Having forcefully emphasized a sociological argument which a large number of thinking Southerners were compelled to accept, Hilliard turned to economics as the source of his next objection. He contended that an increase in the means of producing cotton would increase the supply and thereby decrease the value. In short, the effect on supply would produce a corresponding effect on demand. To illustrate this point he said in substance:

The recent overflow of the cotton fields and plantations in the valley of Mississippi, had raised the price of cotton in England. The merchant princes of Florence had discovered that by limiting the supply of silk they could increase the price; that they could even burn one-half of their stock and then sell the remaining half for more than they could have obtained for the whole. Increase the supply of cotton to the extent contemplated by this measure, and instead of being king, as it is now called, cotton would go begging in the markets of the world for any price that purchasers might see fit to offer for it.<sup>46</sup>

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<sup>45</sup>Ibid.

<sup>46</sup>Ibid.

More important than the adverse socio logical and economic effect of such a resolution, in Hilliard's opinion, was the possible moral effect which it might have upon the civilized world. It would be unwise, he argued, to outrage Christendom at a time when England and France, for example, were looking upon American slavery with increased sympathy. Moreover, such legislation would alienate those in the North who had so recently upheld a policy of compromise.

Throughout this address Hilliard made it clear that present conditions showed hopeful signs to the South. For that reason he was not prepared to abandon the Union. In his conclusion he thus reiterated the belief which he had expressed in 1856 that "the election of a Black Republican to the Presidency would result in the subversion of the Government."<sup>47</sup> With a keen prophetic sense he accurately predicted that "The people of the South would not wait to see a Republican president clothed with the insignia of office -- would not wait for any overt act -- the end will then have come."<sup>48</sup> Expressing a sentiment which he was to repeat on numerous occasions, Hilliard said in conclusion: "Let us remain in the Union, one and undivided, or let us

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<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

go out of it, if go we must, a united people."<sup>49</sup>

Despite numerous interruptions caused by those fire-eaters who wanted to question Hilliard during his lengthy discussion, the speech was effective. His "impassioned appeal for the Union," states Du Bois, "was enjoyed not only by that very considerable element in the Convention yet hopeful of the integrity of the Union, but by all who appreciated chaste eloquence and a noble patriotism."<sup>50</sup> While the Knoxville Southern Citizen could not endorse the argument, it praised Hilliard for his "correctly conceived and elegantly delivered speech."<sup>51</sup> The Montgomery Mail, expressing the reaction of the extreme radical wing in the Convention, found fault, however, with Hilliard's assertion that the South "was in a better position, on the slavery question, than she had been for thirty years."<sup>52</sup> "The distinguished gentleman's eye," said the Mail, "was constantly on the dome of the Federal Capitol, instead of resting on the grain and cotton fields of his own section."<sup>53</sup>

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<sup>49</sup>Ibid., 592-593.

<sup>50</sup>Du Bois, The Life and Times of William L. Yancey, I, 361.

<sup>51</sup>Knoxville Southern Citizen, May 27, 1858, Yancey Papers.

<sup>52</sup>Montgomery Daily Mail, May 13, 1858.

<sup>53</sup>Ibid. For a different view see Montgomery Daily Confederation, May 13, 1858.

In the months following the Commercial Convention, the Alabama radicals denounced Hilliard as an enemy of the South. To refute these charges Hilliard wrote a letter in July on the political issues of the day. Written in lieu of an address which he had been asked to make in Benton, the letter set forth arguments similar to those which had been developed in the convention speech in May. In thanking the members of the committee who had extended to him an invitation to speak, Hilliard began with a defense of his public record:

You do me justice, gentlemen, in alluding to my devotion to the South: born, reared, and educated under its skies, accustomed to cherish for it an ardent love, and a patriotic solicitude, I may safely say, that my loyalty to her cause has been unswerving. My whole public life affords ample proof of the fidelity with which I have adhered to the fortunes of the South; by no act or word of mine has her cause at any time suffered; and if, in the midst of the scenes which surround a Representative of the people in Washington, I have ever been true to our section, there is little danger, at this time, of my faltering in my allegiance.<sup>54</sup>

Hilliard then traced the recent political developments at home and abroad which had proved favorable to the South. The attitude of the Supreme Court, of the Executive, and of Congress, he argued, had softened toward slavery. Encouraged by the trend, he boldly asserted that "nearly all

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<sup>54</sup>Letter of Hon. Henry W. Hilliard, on the Political Issues of the Day (Montgomery, 1858), J. L. M. Curry Pamphlets, XXV, Alabama State Department of Archives and History.

the territorial acquisitions have been geographically ours.<sup>55</sup> Similarly, the leaders of England and France had toned down their feeling toward the slaveholding system.

Hilliard concluded his argument with a strong appeal to the Union:

So long as we preserve the Union, we shall be able to maintain our position among nations, and protect both the products of our industry on the high seas, and our citizens at home and abroad. For my own part, then I prefer to maintain our rights within the Union, to entering upon any scheme for a separate Confederacy, by whatever name it may be called. I shall stand fast upon the ground which I have heretofore taken, and co-operate with that great party which, with the aid of the conservative men of all parties, so lately achieved a brilliant victory on our behalf, in its efforts to preserve the honor, and the rights of our section, and to save the Republic. If we fail; if our institutions are brought under the ban of the government; if our rights are borne down by the hordes of reckless invaders, infinitely more ruthless and dangerous than the Goths and Vandals, who carried their arms into the Senate chamber of Rome, then we shall of course subvert a government which has failed to answer the ends for which it was erected, and provide other forms for the protection of our institutions. But I cannot see that any such exigency has come upon us now. I have not despaired of the Republic. A great battle is to be fought in 1860; but it should be remembered that we triumphed in 1856.<sup>56</sup>

In publishing Hilliard's "able and dignified document,"<sup>57</sup>

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55 Ibid.

56 Ibid.

57 Montgomery Confederation, July 26, 1858.

the Montgomery Confederation expressed the hope that it would be "perused with avidity by thousands of the friends and acquaintances of its distinguished author."<sup>58</sup>

Hilliard's speeches and addresses in 1858 clearly show that his alliance with the Democrats had not caused any appreciable change in his fundamental political tenets. Convinced that the rights of the South could best be protected under the Federal Government, he urged his colleagues to remain loyal to the Union and to the Constitution. In the wreckless policies of men like Yancey, Robert Barnwell Rhett, and Edmund Ruffin.<sup>59</sup> he saw a danger which might split the Democratic party, and thereby make it possible for the Black Republicans to seize control of the national government. Hilliard thus played a conspicuous role in the gallant attempt by Alabama conservatives in 1858 to weaken the influence of the

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58 Ibid.

59 Following the Commercial Convention, Hilliard wrote Buchanan that the fire-eaters had gone wild on the question of reopening the African slave trade, and that the Republicans were no worse than the Southern radicals. Hilliard to James Buchanan, Montgomery, May 20, 1858, James Buchanan Papers, Library of Congress, Washington, D. C. Dorman has pointed out that Yancey's attempt to gain control of the Democratic party in Alabama "embodied the following steps: a break with the national Democratic Party, and the organization of a Southern party; the election of Yancey to the United States senate by securing the defeat of Senator Fitzpatrick; and ultimately the secession of Alabama." Dorman, Party Politics in Alabama, 143.

radicals.

Throughout 1859 Hilliard leaned more sharply in the direction of Southern rights. Since the passage of the compromise measures in 1850, he had put aside the vigorous aggressive-defensive policy which had characterized his speeches during the Wilmot proviso debates. Not even his close association with the Democratic party in 1857 and 1858 had altered his conservative position. As he witnessed the rise of the Douglas Democrats and the growth of the Republican party, however, he feared that Northern political leaders were ready to forsake the South. Under such circumstances he adopted a policy of bold resistance which won the praise of the radical press.

In April, the Spirit of the South, Hilliard's bitterest enemy in 1851, declared: "The South needs strong men in our national councils, and Hilliard is one of the strongest men we have."<sup>60</sup> Similarly, Colonel William F. Samford, one of the staunchest leaders of Southern rights in Alabama, described Hilliard as one "utterly repudiating old fogyism -- breathing the intensest State Rights sentiments -- burning with love for his native South -- with an earnest purpose to live or die with his people -- wishing to make an honest effort to save our

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<sup>60</sup> Eufaula Spirit of the South, quoted in Montgomery Advertiser and State Gazette, April 6, 1859.

rights in the Union -- and determined to sever the Union rather than surrender our rights.<sup>61</sup>

In the latter part of July, Hilliard journeyed to Charlottesville to deliver the annual commencement address at the University of Virginia. "As I entered the chapel on the day appointed for the delivery of my oration," said Hilliard, "I observed that I was surrounded by a large and brilliant audience. . . . I had selected as a subject for my address 'The Spirit of Liberty,' and everything about me animated me to the greatest ardor in performing my task."<sup>62</sup> But Hilliard had another reason for wanting to succeed. William C. Preston, his close friend and sponsor, was seated in the audience.

Liberty, as Hilliard defined it throughout his address, was that type of political freedom described in the Constitution. "The noblest achievement of the true spirit of liberty and the proudest triumph of regenerated humanity," he declared, "is seen in the Constitution of the United States."<sup>63</sup> After pointing out the limitations of a

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<sup>61</sup> Hilliard to Colonel William F. Samford, Clayton, April 30, 1859, Montgomery Advertiser and State Gazette, May 11, 1859. In his letter to Samford, Hilliard repeated and endorsed what Samford had said.

<sup>62</sup> Hilliard, Politics and Pen Pictures, 278.

<sup>63</sup> Hilliard, The Spirit of Liberty, an oration delivered before the literary societies of the University of Virginia, July 27, 1859 (Montgomery, 1860), 11.

pure democracy, he said:

Our Constitution protects, by the very stringency of its lines; it confers powers, but it decrees its boundaries; it grants authority, but it limits it to its true sphere; it wheels the chariot of the sun through the open heavens, but holds the coursers in check, by a strong hand. The fountain of all authority is with the people, but they do not administer the government; the sword is in the hands of the magistrate, and all must obey.<sup>64</sup>

Hilliard next emphasized that the government of the United States was superior to those of ancient Greece and Rome and of modern Europe and Latin America. The basis of that superiority, he claimed, was the Constitution: "The principles of civil liberty are more clearly comprehended, and popular rights are better protected by constitutional law, in our own country than under any other government upon the globe."<sup>65</sup>

But Hilliard was not content to limit his remarks to a theoretical discussion of the merits of representative government. His lengthy analysis of the broad concepts of liberty served as a base upon which he could construct a practical argument upon the issues then before the South. Entrenching himself behind the Constitution, he cautioned the North to remember the rights of the South. The Federal Government, he declared, "cannot interfere with the

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<sup>64</sup> Ibid., 13.

<sup>65</sup> Ibid., 19.

domestic institutions of any State."<sup>66</sup> In pointed remarks directed to those who upheld the doctrines of containment and abolition, he then said:

Why should Ephraim envy Jacob or Jacob vex Ephraim? An attempt to bring the social system of any of the States, under the ban of the government, is an attempt to drive the government from its true course, and if that policy should succeed -- if it should seat itself in power, and become enthroned behind the ruins of a broken Constitution, then in the very hour of their madness and their triumph, and in the very midst of their festivities, those who fill the seats of power, will see the hand writing on the wall which denounces their guilt and overthrow.<sup>67</sup>

Hilliard disclaimed any intent to strengthen the position of the South at the expense of the North. While the slave states are "the weaker section of the Confederacy," he argued, "we do not envy the prosperity of the North; we covet neither her wealth nor her power -- her splendid cities -- her flourishing manufactures -- her enterprising seamen -- her princely merchants; nor any of the elements which constitute her social civilization."<sup>68</sup> With no desire to ask for a change the South was content, he continued, "to await the natural growth and spontaneous expansion of" her "exhaustless resources."<sup>69</sup>

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<sup>66</sup> Ibid., 21.

<sup>67</sup> Ibid., 23.

<sup>68</sup> Ibid., 24.

<sup>69</sup> Ibid., 25.

Before concluding his address, Hilliard turned to the radicals of the South. He counselled them to relinquish their demand to reopen the African slave trade. "To agitate the subject of repeal," he declared, "is to present a question which will array us against each other at home, and weaken us in the face of the enemies of our institutions."<sup>70</sup> In what is perhaps the most convincing analogy to be found in his extant speeches, he claimed that it would be "better for Holland that she should cut the dikes which shut out the sea, than that the South should re-open her ports to an unchecked inundation of barbarians."<sup>71</sup> Not only did Hilliard oppose the measure on the grounds that it was impractical, but because it was also unconstitutional:

Those who were familiar with the Constitution -- who comprehended its history, its principles, and its spirit, enacted the laws which prohibited that trade. Every great historic name in the South stands recorded in favor of those laws, and we believe that an overwhelming preponderance of public sentiment in the South is to-day, against the re-opening of the traffic. It has been denounced by the government, from the time of the Declaration of Independence till now.<sup>72</sup>

After he had admonished his fire-eating colleagues, Hilliard again directed his attention to the North. He

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<sup>70</sup>Ibid.

<sup>71</sup>Ibid.

<sup>72</sup>Ibid., 26.

scolded the political leaders of that section for their preoccupation with the subject of slavery:

For some time past the slavery question has been discussed to the exclusion of almost every other topic. . . . It has driven some of our best and ablest statesmen into retirement, and it has elevated in too many instances, inferior men to places of trust and honor. It has eclipsed the glory of some of the proudest old Commonwealths of this confederacy; in the place of their illustrious statesmen they have raised up demagogues. We look for the old giants and we find men of little stature who have dared to put on their honor.<sup>73</sup>

As a somewhat tenuous solution to the problem which he had boldly defined, Hilliard urged his listeners to "endeavor to transmit unimpaired LIBERTY -- the CONSTITUTION -- the UNION."<sup>74</sup>

Notwithstanding the fact that Hilliard's address on this occasion was tempered by the non-political gathering, he displayed the same aggressive spirit of resistance which he had shown in the Samford letter. When he thus returned to Alabama in late July, he was much in demand as a speaker for the cause of Southern rights. His fiery speech at a Democratic rally in Montgomery prompted the Advertiser and State Gazette to observe:

There never was more enthusiasm manifested in a political gathering than was apparent on Wednesday night. . . . Loud calls were . . . made for Hon. H. W. Hilliard, and that gentleman arose amid

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<sup>73</sup>Ibid., 27.

<sup>74</sup>Ibid., 30.

cheering such as is seldom heard except where Democratic enthusiasm gives rise to a Democratic greeting to an able and eloquent defender of "right, equality and the constitution." The way he scored his political defamers was fearful, yet partook of no antagonistic feeling other than pity. He said that a man of large heart could well afford even to forgive the puny efforts of those harmless insects who wreath themselves about his feet and attempt to sting his heels. His vindication of his present political position was overwhelming as a specimen of logic and met with the heartiest applause of the audience.<sup>75</sup>

That Hilliard could still sway the people of Alabama through his stump addresses is indicated by the concluding statement found in the Advertiser's account of the Montgomery meeting: "The Democracy was thoroughly enthused by Mr. Hilliard's oratory, and when he closed, cheer upon cheer rent the very heavens."<sup>76</sup>

Hilliard again defended "right, equality, and the Constitution," in a speech before the Southern Agricultural Society in November.<sup>77</sup> This address, doubtless influenced by John Brown's recent raid in Virginia, set forth the most aggressive Southern doctrine he had ever preached before an Alabama audience. Using the inductive approach, he attempted early in his remarks to lead his auditors to the conclusion that the Southern slaves fared better than

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<sup>75</sup>Montgomery Advertiser and State Gazette, August 3, 1859.

<sup>76</sup>Ibid.

<sup>77</sup>The complete speech can be found in the Montgomery Advertiser, November 30, 1859, and in the Southern Rural Magazine, XIV (February, 1860), 57-64.

the laboring classes of the North. To carry out his purpose he established the importance of labor, traced the development of cotton in the United States, and analyzed the nature of slave labor in the South.

After citing Carlyle, Milton, Shakespeare, and the Scriptures to illustrate the point that "the great law of human existence is labor."<sup>78</sup> Hilliard stressed the significant role which the slave states played in the production of cotton. Out of a total of 4,200,000 bales produced in the world in 1857, he said, 3,500,000 were furnished by the South. Protected by this evidence, he confidently asserted:

Upon us, then, the world depends; criticized, denounced, opposed, everything but despised we, standing in the midst of the cotton fields of the South, sway the sceptre of universal dominion. The nations of the earth stretch out their hands to us for succor; we, the youngest born, cast out by our elder brethren, realize, like the son of the Patriarch, sold into bondage, the proud fact, that they are compelled by their necessities to kneel before us, if not for bread to satisfy their hunger, at least for clothing to cover their nakedness.<sup>79</sup>

Strangely enough, declared Hilliard, the South had been placed in this strategic position of economic influence by means of the very system which was constantly under fire by the self-righteous agitators of the North. Through the institution of slavery, he observed, "we escape that

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<sup>78</sup>Montgomery Advertiser, November 30, 1859.

<sup>79</sup>Ibid.

fiercer conflict which is carried on so perpetually in other parts of the world between capital and labor."

Hilliard then asked his audience to take an imaginary trip through the Promised Land of the North:

Stand in the thoroughfares of one of their crowded cities -- some northern emporium where the rich and the poor meet together -- and you will read an impressive lesson upon the evils, the dangers and the vices of their system. Splendid equipages, gorgeous shops, magnificent residences, all the signs of an abounding wealth salute the eye, while, in painful Juxtaposition squalid poverty, half clad and half starved men, women and children and all the signs of want are seen.<sup>80</sup>

Similarly, he pointed out the inequalities that existed between capital and labor in the manufacturing areas. In summing up this phase of his argument, Hilliard forcefully asserted: "And yet the philanthropists of the civilized world turn away from the social evils which abound in rank luxuriance at home, to fix their glare upon the inequalities of our social system." In short, "they seek to pluck the mote out of our eye, while, behold, there is a beam in their own eye."

In challenging the North to clean up her own house before attempting to sweep slavery from the plantations of the South, Hilliard presented a familiar Southern argument. For more than two decades Southern orators, disturbed by the attitude of Christendom toward slavery,

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<sup>80</sup>Ibid.

played up the moral and economic weaknesses of their critics. While such an approach deliberately avoided the basic issue in conflict, it proved to be effective. Not only did it provide a safe rationalization for the South, but it won disciples in the North as evidenced by Webster's Seventh of March Speech.

To strengthen his position, Hilliard called into view the Constitutional rights of the South. He contended that the theory upholding the power of Congress or the people of a territory to regulate slavery was "a monstrous political heresy." In perhaps his most forceful appeal to a Southern audience, he then urged the men of the South to look danger in the face: "Rouse yourselves; take a full survey of the whole horizon, and prepare to assert all your rights, and to vindicate them at any hazard and at any cost." Despite this limited power of Congress, Hilliard still held, however, that it was the duty of the national legislature "to protect slave property within the limits of the territories."

The "application of the doctrine of State Rights" was the simple solution suggested by Hilliard as the answer to "all the troubles which vex and threaten our government." When the Federal Government ceases interfering with the internal affairs of a State, he sincerely

believed, harmony would again prevail between the two sections.

Before closing his address, Hilliard briefly alluded to John Brown's raid and to the agitation for the reopening of the African slave trade. He described Brown's expedition as an attempt to ruin the "picture of social happiness" which existed in the South. The failure of the insurrection was proof of the stability of the "peculiar institution":

In the late outbreak in Virginia where an invasion was made by men amply supplied with arms, an appeal was made to the slaves to throw out the authority of their owners, and it is a fact of the highest significance, that not a single slave could be induced to lift his hand in rebellion. The relation now existing between master and slave, is a patriarchal one; there is a deep sentiment which is at the base of servitude.<sup>81</sup>

In viewing the Harper's Ferry incident as an abolitionist-inspired invasion, Hilliard was expressing an attitude widely accepted throughout the South. Notwithstanding his strong aggressive-defensive doctrine, however, Hilliard preferred the status quo rather than the idea of reopening the African slave trade. Of this point, he said in conclusion:

No, let our present system stand, let the natural outgrowth of our institutions go on; let us cultivate the spirit of our people to a manly self-reliance; let us insist upon a rigid adherence

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<sup>81</sup> Ibid.

to the doctrines of the Constitution; let us cherish an enlarged patriotism which embraces the entire Republic in its scope, and incites just treatment by a lofty regard for the rights and the honor of the whole country.<sup>82</sup>

The Montgomery Advertiser was impressed with Hilliard's fighting speech on Southern rights. Publishing the address in full, the editor enthusiastically declared:

This production, we regard, as one of the most powerful and brilliant emanations from the mind of its distinguished author. It is, alike, instructive and entertaining -- philosophical and practical -- patriotic and southern -- argumentative and scholarly. . . . The effect, if possible will shed renewed lustre upon the already wide-spread fame of Mr. Hilliard.<sup>83</sup>

Hilliard's contributions to political thought during his three years as a member of the Democratic party cannot be easily discounted. Neither the charge that he had deserted a cause, nor the prediction that he would lose his political following, has been corroborated by evidence. Judging from the nature and the effectiveness of his speeches from 1857 through 1859, we may conclude that quite the contrary was true; for Hilliard the Democrat, like Hilliard the Whig was a state rights Southerner whose patriotism embraced the whole country. His first loyalty was to the Constitution, rather than to a

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<sup>82</sup>Ibid.

<sup>83</sup>Ibid.

political party. Thus, when the Black Republicans and the Southern radicals deviated too far from the tenor of the Constitution, he warned them to follow the example of the founding fathers.

The people of Alabama listened with interest to the "yearling Democrat" as he set forth his doctrine of "equality, right, and the Constitution." Through their response to his oratory they clearly indicated that Hilliard, despite his change in party alignment, was yet a dynamic force in Alabama politics. That he could maintain his influence under such circumstances was a tribute to his rhetorical effectiveness.

## CHAPTER XII

### PERIOD OF DECISION: 1860 - 1861

The year of 1860 was a period of crucial decision for the millions of inhabitants residing in the slave states. In the face of increased pressure from the Black Republicans, Southern political leaders were forced to devise some type of plan which might prove successful in perpetuating the institution of slavery without destroying the Union. To achieve this purpose they could adopt one of four alternatives. First, they could remain in the National Democratic party and submit to the doctrine of popular sovereignty. Secondly, they could offer as their price for supporting the national party, a renunciation of Douglas' favorite principle. Thirdly, they could form a separate Democratic party in the hope that a deadlock in the presidential contest might result. In this way, the final arbiter, the House of Representatives, would be inclined to render a verdict in favor of the South. Finally, they could encourage the formation of a new national party based upon conservative views.

Whether or not the Southern social institution and Unionism itself were to survive depended largely upon the alternative which the South was to choose. Within

her power lay peace or war. The conflict which ultimately came stands as proof that the South in the hour of decision had made the wrong choice. As the drama unfolded Hilliard, aware of the tragic outcome, fought to prevent it. To the people of Alabama, Georgia, Virginia, New Jersey, New York, and Massachusetts, he carried the gospel of Unionism. Though his cause failed in the end, Hilliard won new laurels as an effective political orator and champion of the Union.

Early in January the Democratic State Convention of Alabama, assembling at Montgomery, decided in favor of the second alternative cited above, namely, that the principle of squatter sovereignty must be renounced by the Democratic party. While the convention endorsed no candidate, it wrote a plank for the national platform, instructing its delegates to fight for the following resolution or its equivalent:

Resolved that it is the duty of the General Government, by all proper legislation, to secure an entry into those territories to all the citizens of the United States together with their property of every description, and that the same should remain protected by the United States while the Territories are under its authority.<sup>1</sup>

The convention, moreover, ordered its delegates to walk out of the national body if it failed to accept this

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<sup>1</sup> Nichols, Disruption of the American Democracy, 279.

plank. Thus, the stage was set for the disruption of the Democratic party, and Yancey was ready to play the leading role.

Although Hilliard could not actively participate in the Montgomery convention, he could approve in part the anti-Douglas resolution.<sup>2</sup> Just a few months before he had sought space in Harper's Magazine to reply to the argument of popular sovereignty.<sup>3</sup> Unlike Yancey and other Alabama radicals, Hilliard, nevertheless, was too national to allow the doctrine of Douglas to bring about a split in the Democratic party.

The attention of the nation was turned toward Charleston, South Carolina, in late April. That historic Southern city, filled with splendor, tradition, and the elite of plantation society, was to be the host to the Democratic National Convention. As later events tended to show, the selection of Charleston was unfortunate for the Democratic party, the South, and indeed the nation. For it would appear that the radicals, under the spell of Charleston's hospitality, charted a course of action far

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<sup>2</sup>Hilliard led a contesting delegation from Montgomery, but the credentials committee decided in favor of the Yancey group. Du Bois, The Life and Times of William L. Yancey, II, 443.

<sup>3</sup>Stephen A. Douglass MSS, quoted in Milton, Eve of Conflict, 389.

bolder in scope than that which they would have dared follow had they been in the more unfriendly environs of the North.

A short while after the proceedings began the more aggressive Southern delegates, hoping to ascertain the position which the convention would take on the slavery issue, sent up a trial balloon. The delegations from Texas, Arkansas, Louisiana, Florida, Alabama, Mississippi, and Georgia held a caucus and agreed that they would demand federal protection of slavery in the territories. They expressed determination, furthermore, to construct a platform on which Douglas could not run. In order to secure such a platform they decided to let it be known that the Gulf States would withdraw from the convention if their formula were turned down.<sup>4</sup>

Aware that they had a sufficient majority to organize and control the convention, Douglas supporters extended the olive branch to the Southern radical leaders. While they were not willing to yield to the "Gulf Squadron's" demand that a specific plank prescribing federal protection to slave property in the territories be incorporated into the platform, they agreed to refer the principle of squatter sovereignty to the Supreme

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<sup>4</sup>Nichols, Disruption of the American Democracy, 295.

Court.<sup>5</sup> In making such a damaging concession, Douglas, it seemed clear, had cast aside his doctrine of popular sovereignty in order to insure his nomination. The offer proved to be tempting bait to Yancey and his Alabama colleagues. But as they were about to accept, the Mississippians descended upon them "with such force," states Nichols, "that they threw off their doubts and were ready to withdraw."<sup>6</sup>

When the platform was presented to the convention, Yancey, in opposing it, delivered perhaps his greatest speech in defense of Southern Constitutional rights. He maintained that even a qualified popular sovereignty platform would bankrupt the South, depriving her of a glorious principle. He thus urged the Southern delegates to stand true to their constitutional duties. The speech warmed the hearts of Charlestonians, gave new hope to the Gulf State radicals, and deeply impressed the representatives from the North.<sup>7</sup> Despite Yancey's eloquent plea, however,

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<sup>5</sup>Ibid., 304.

<sup>6</sup>Ibid., 305.

<sup>7</sup>Hilliard, who sat in the gallery as a spectator, observed that "Mr. Yancey's speech was one of the greatest of his life, and roused into enthusiasm all who were in sympathy with his sentiments, and at the same time it impressed deeply those representing other sections of the Union." Politics and Pen Pictures, 286.

the North could go no further. By a vote of 165 to 138, they adopted the watered down platform which conceded the primacy of the Supreme Court on the slavery issue. When the vote was announced Yancey and his colleagues left the convention amid applause from the gallery. In quick succession the delegations from Mississippi, Louisiana, South Carolina, Florida, and Texas solemnly marched from the hall.<sup>8</sup> "Here was what Rhett and the radicals for years had been praying for," states Nichols. "Southern states were defying their northern neighbors, were acting in concert, with Charleston providing a perfect setting for the drama."<sup>9</sup>

With the convention divided, the remaining delegates moved a recess until June 18, when they were to reconvene at Baltimore. This strategic maneuver came as a blow to the seceder's convention, now assembled in the Charleston Theater.<sup>10</sup> Since there was little that

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<sup>8</sup>Later "the six Gulf states were joined by four delegates from Arkansas, three from Missouri, two from Georgia, one from Virginia, and a second from Delaware." Nichols, Disruption of the American Democracy, 306.

<sup>9</sup>Ibid., 305.

<sup>10</sup>Nichols observes that "The bolters were nervous about what they had done; Yancey was careful to deny the stigma of 'disunion,' and efforts to make nominations were resisted. They wanted to see if any olive branches might be sent in from Institute Hall." Ibid., 306.

the seceders could do, they likewise recessed, agreeing beforehand to meet again at Richmond on June 11.

Following the schism in the Democratic party, Hilliard found himself in a difficult position. Although he was impressed with the sentiments of Yancey's great Charleston speech, he could not give his support to a sectional organization. His opposition to the principle of popular sovereignty, on the other hand, prevented him from cooperating fully with the Douglas wing. With but a modicum of enthusiasm, therefore, he leaned in the direction of what he considered to be the lesser of two evils: the Northern dominated national Democratic party. After all, felt Hilliard, this could be done with the full assurance that Douglas, not he, had sacrificed an important political premise.

In May, Hilliard, along with thirty-two other conservatives from Alabama, signed a call for a state convention to meet on June 4. The purpose of the meeting was to appoint delegates to the Democratic national convention which was to meet in Baltimore on June 18. Accordingly, representatives from twenty-eight counties assembled in Montgomery in early June, and passed resolutions approving the principle of the Dred Scott decision. Such action, supported by Hilliard, ex-Governor Winston, and others, was tantamount to sanctioning the nomination

of Douglas. Thus, the battle lines in Alabama were being drawn.

Within two weeks after the Montgomery state convention, the schism of the Democratic party was complete. The Southern controlled Richmond meeting recessed long enough to allow its delegates to assemble temporarily in Market Hall in Baltimore. There they could study at close hand the events as they unfolded at the Democratic National Convention. As soon as they learned of Douglas' nomination, the seceders, constituting 105 votes from the old convention, nominated John C. Breckinridge of Kentucky as their presidential candidate. This vote was later endorsed by the Richmond convention.<sup>11</sup>

While the tragic disruption of the Democratic party was taking place, two additional parties -- one sectional and the other national -- had already entered the field. Loudly denouncing Lecomptonism, popular sovereignty, the movement to revive the slave trade, and disunion, the Republicans met in Chicago in the third week of May and nominated Abraham Lincoln.<sup>12</sup> To round out the four-party campaign, a group of Northern and Southern conservatives, calling themselves the Constitutional Union

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<sup>11</sup> Ibid., 320.

<sup>12</sup> Nevins, The Emergence of Lincoln, II, 252-260.

party, assembled in convention at Baltimore on the 9th of May. Although the new organization was principally comprised of old line Whigs and Americans, it attracted a large number of moderates from the Democratic party. Murat Halstead, a reporter familiar with the times, spoke of the Constitutional Union party convention in the following vein:

It was remarkable . . . that the convention avoided altogether the discussion of the slavery question. It was only referred to by indirection. Hon. Neil S. Brown of Tennessee thanked God that he had at last found a convention in which the "nigger" was not the sole subject of consideration. Not a word was said from first to last about the question of slavery in the Territories, or the execution of the Fugitive Slave Law, and old John Brown was only referred to a couple of times. And there was nothing said of Americanism -- not a word. . . . The whole talk was of the Constitution, the Union and the laws, of harmony, fraternity, compromise, conciliation, peace, good will, common glory, national brotherhood, preservation of the confederacy. And of all these things it seemed to be understood that the Convention had a monopoly. The Constitution, the Union, and peace between the sections would appear from the record of proceedings to be in the exclusive care of, and the peculiar institution of, the no-party and no-platform gentlemen here assembled.<sup>13</sup>

John Bell of Tennessee and Edward Everett of Massachusetts were chosen as the standard-bearers of the new party.

The presidential contest of 1860 was as unique as it was important. For the first time in history the American people witnessed a bitter struggle between four

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<sup>13</sup>Murat Halstead, National Political Conventions of 1860 (Columbus, 1860), 119-120.

major political parties. Theoretically the Breckinridge Democrats, the Douglasites, and the Constitutional Unionists held in common one essential conservative view: a strict construction of the Constitution. While they differed on the question of slavery, the differences were largely of degree rather than kind. It is not surprising, therefore, that these three groups feared the Republicans more than they feared each other.

Of prime concern to Hilliard throughout the early months of the campaign was the growing Republican strength. Still believing that a Lincoln victory would destroy the Union, he sought to ally himself with the party which, he thought, stood the most likely chance of stopping the abolitionist crusade. At first, Hilliard wavered between Breckinridge and Douglas. But a vacation trip to Saratoga Springs, New York, in August, convinced him that neither wing of the Democratic party would win. During his stay in the Empire State he met his old friend, Fillmore, and discussed with him at length the perils which surrounded the government. In these conversations the two ex-Whig leaders agreed that the hopes of the Union rested upon the success of the Constitutional party.

Before returning to Alabama, Hilliard wrote Fillmore: "Party standards flaunt the air in vain; the

magic of party names is gone; the ascendancy of party managers over the masses is at an end; nothing can reach the hearts of the people but the dear names of the country and the Union."<sup>14</sup> Remembering the violent criticism which had followed his defection in 1857, Hilliard sought to make his new position logically sound:

When Mr. Buchanan came into power I felt it to be my duty to support his administration, and I said so publicly. I declined to contest with his friends the places which they held, stating it is my opinion that the conservative force of the country ought not to be impaired, but that it was our duty to forget past political strifes and antagonisms, and do what we might to strengthen the hands of the party in power, in view of the great impending conflict to be fought in 1860. That position I have maintained until recently; others have held it besides myself; but unhappily, the great party which achieved the signal triumph four years since is now torn by fierce dissensions, and stands utterly powerless to contend against the formidable organization which ranges its battalions along the whole line which divided the North from the South. Neither Mr. Douglas nor Mr. Breckinridge can appeal to the allegiance of those who compose their party; neither can concentrate the strength of that party. Mr. Breckinridge is the exponent of my views; he stands upon a platform which I approve. I admire him personally, and I am very sure that he is not in the slightest degree tainted with the disloyalty to the Union with which he is charged. I must say, too, with equal candor, that I believe the accusations brought against Mr. Douglas are greatly overstrained. He is a patriotic and consistent statesman. Still it is clear that the antagonistical attitude of these two gentlemen, and the fierce conflict that is waged between their

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<sup>14</sup>Hilliard to Millard Fillmore, New York, August 30, 1860, quoted in Montgomery Weekly Post, September 12, 1860.

friends, must put it out of the power of either of them to defeat Mr. Lincoln; while this very dissension in the ranks of the party to which many of us gave our support from the mere fact that it was in position, confronting the enemies of the constitution and turning its guns upon them, now releases us from any sort of obligation to hold our ground longer as allies. When the army which we came to aid has ceased to deliver its fire against the common enemy, and is fiercely engaged in an internecine war, surely we need no longer keep our place in its lines. There is another party in the field led by able and experienced statesmen, with whom you and I have been long associated; and that party alone can save us at the present conjecture by drawing to its standard the friends of the Union from every part of this great confederacy.<sup>15</sup>

The die was cast. Hilliard had changed parties for the third time in three years. As might be expected, he again became the target of the opposition press. Numerous writers who had so recently praised his accomplishments now labeled him a vacillator who seemed powerless to make up his mind on political matters: "Except Lincoln," taunted the Daily Mail, Hilliard had "for a few months, or weeks, supported every candidate of any note, for the Presidency, who has been in the field since June, 1856, and endorsed every one of their platforms!"<sup>16</sup> Similarly, the Advertiser, which just one year before had paid tribute to Hilliard's eloquent efforts on behalf of the Democratic party, now sarcastically observed: "Mr.

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15 Ibid.

16 Montgomery Daily Mail, September 12, 1860.

Hilliard, by his strangely vacillating course of late years, has lost all influence and respect as a politician. Bell will gain nothing but Mr. Hilliard's vote, and he is welcome to that so far as we are concerned."<sup>17</sup> The editor of the Post, however, was quick to respond to the Advertiser's charge that Hilliard had lost his influence:

Certain small minds are so curiously constituted that they think a point is gained by depreciating those whom they fear. Keeping this principle in view people can easily account for the course now being pursued towards Mr. Hilliard. As an orator, and in force, upon the stump, Mr. Hilliard has no superior in the State of Alabama; and the men who are now depreciating him were always exultant when they had him to match with Mr. Yancey. We regretted the course which Mr. Hilliard pursued in 1857, and since until he wrote his late letter to Mr. Fillmore; but there is neither sense nor justice in denying his vast influence over a crowd. In every respect

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<sup>17</sup>Montgomery Weekly Advertiser, September 19, 1860. Edward Bates, an ex-Whig who had given his support to Lincoln, expressed the following similar view in his diary: "Mr. Hilliard has 'boxed the political compass' except the single point of Republicanism -- I suppose it is true that he is no Republican, black or red, but only a very respectable aristocrat, whose ambition makes him covet notoriety, and whose principles hang so loosely about him, that in his eager pursuit of distinction, he has exhibited himself, in rapid succession, for and against every other party. He is too flitting and versatile [sic] to be a leader of any party, and nobody minds what he says. This letter of his is a volunteer, not called out by any person nor by any adequate circumstances, but is a mere display of his own prurient egotism. Rightly understood, it means only this -- 'Attention the Nation! I, Henry W. Hilliard of Alabama am alive and kicking, and mean to save the Union! Thank ye, most patriotic Mr. Henry Whirlegig Hilliard.'" Howard K. Beale, "The Diary of Edward Bates," Annual Report of the American Historical Association, IV (1930), 144-145.

he is the equal of any orator in the Breckinridge party, and by far the superior of all but one.<sup>18</sup>

Were Hilliard's frequent changes in political alliance evidence of a vacillating mind? Did he display an inconsistency in his thinking by joining the Constitutional Union Party? Did he have an ulterior motive in supporting the party which to him seemed most likely to win? The answers to these questions are important to the biographer, for they are directly related to the vigor of Hilliard's mind and the integrity of his heart.

That Hilliard somersaulted from one party to another in the years preceding the Civil War cannot be denied. During a brief four-year span he allied himself in succession with the Know-Nothings, the Democrats, and the Constitutional Unionists. Contrary to the charges made by critics, however, there is no evidence to show that Hilliard wavered in his convictions. As has been stated, he owed first allegiance to a principle, and second to a party.<sup>19</sup> But a principle to Hilliard was not

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<sup>18</sup>Montgomery Weekly Post, September 26, 1860. Interestingly enough, the Daily Mail concurred with the Post's evaluation of Hilliard's speaking ability. "He is an excellent debater," observed the Mail, and "he makes the third really able speaker, of the Bell party, in Alabama." Montgomery Daily Mail, September 12, 1860.

<sup>19</sup>The Talladega Alabama Reporter, October 4, 1860, commented on Hilliard's shift to the Unionist party as follows: "Like a true patriot who loved his country more than party, he promptly abandoned his candidate, who had

a pretty theory which may or may not be put into practice. Whatever was worthy to be called a principle, he felt, must, if possible, be translated into reality. Under such circumstances Hilliard's task was to find a political organization which could successfully carry out the tenets which he espoused. The Democrats had proved to be such an organization in the first two years of Buchanan's administration. When the party through dissension lost its national appeal, however, it was unable, in Hilliard's opinion, to turn back the thrusts of the Northern abolitionists.

Perhaps no political platform was more consistent with Hilliard's philosophy than was that of the Constitutional Unionist party in 1860. For the rights of the states, an adherence to the Constitution, and the preservation of the Union were principles which he had championed for more than thirty years. It is not surprising, therefore, that he turned to the Constitutional Unionists. Not only did he have faith in their precepts, but in their ability to defeat Lincoln.

Membership in the Constitutional Union party gave Hilliard an opportunity to speak to national audiences for the first time since 1851. A few days after the publi-

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no chance of election, and rallied to the support of the constitutional Union ticket."

cation of his letter to Fillmore the conservatives of New Jersey and New York took advantage of Hilliard's presence in that region and invited him to speak at mammoth political rallies. Soon he delivered his first address on behalf of Bell and Everett on the 7th of September at Concert Hall in Newark before a "densely crowded" house.<sup>20</sup>

The pattern of Hilliard's speech on this occasion was notably similar to that of subsequent addresses which he was to present to the people of the North. Amid loud cheers from the auditory he used the common ground technique to open his subject. The people of Alabama and New Jersey, he said, may differ "in geographical position" and in "cereal production," but not in feeling. The major portion of the argument which followed was a refutation of a speech which William H. Seward had delivered in Detroit a short while before. The New York Senator, in upholding the right of Congressional intervention in the territories, had boldly declared that the United States Government was a failure "because there was a want of tranquility at home and respect for us abroad."<sup>21</sup>

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<sup>20</sup> Newark Evening Journal, September 8, 1860. The account of the speech, though not a verbatim report, is extensive.

<sup>21</sup>Ibid.

Hilliard made no attempt to deny Seward's charge that tranquillity no longer existed in America, but he placed the blame for that condition on the shoulders of the Republican party leaders. He then traced the development of the Constitution in order to set the rights of the South in clear perspective:

After the Revolution, a Convention was called to seek some means of forming a more perfect union of the colonies. It was presided over by George Washington [loud cheers] --a slaveholder, and nearly every State represented was slaveholding. The Constitution was adopted, and a single sentence declared its general purport. More perfect union was required; domestic tranquility was necessary; and to secure these the Constitution was formed.<sup>22</sup>

After establishing the primacy of the Constitution, Hilliard proceeded to argue that Congress had no right to usurp power. The logic of his position defined, he again renewed his efforts to turn the tables upon Seward. "The present want of tranquillity was not because the Government had done wrong, or transcended its powers," contended Hilliard, "but because a dangerous set of men had attempted to interfere with the rights and trample upon the honor of the South." As the Alabama orator then declared that the South would resist with "fire and sword" any attempt to interfere with her vested rights, the audience responded

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<sup>22</sup>Ibid.

with great enthusiasm.<sup>23</sup>

Hilliard next combined an appeal to tradition with an argument ad hominem to weaken the force of Seward's defense of congressional intervention. "The Senator wished to seem wiser," he said, "than the great men who had gone before him." Encouraged by the laughter which this statement produced, Hilliard then drew upon literature to clinch his point. It might be asked, in the language of Shakespeare, he quipped:

Upon what meat doth this, our Caesar, feed,  
That he is grown so great? [Great laughter]<sup>24</sup>

After discussing further the constitutional powers of Congress, Hilliard, observed a reporter for the Newark Journal, "made a fervent and eloquent appeal for the South--not in the spirit of sectionalism, but in that of fraternal love."<sup>25</sup> The substance of the argument as reported by the Journal is as follows:

What had the South ever begged of the North? Nothing, nothing! All she asked, all she wanted, was her rights, and nothing more. When these were denied her then he feared we would witness a country deluged in fraternal blood. [Cheers] Why should not these rights be guaranteed her, and peace and harmony be restored? [Cheers] He hoped that his countrymen would not be so false to themselves and the Union,

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<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

as to disgrace the Revolutionary blood which flowed through their veins, by submitting. [Applause] There was no cause for the North and South to be rivals. Who should say that New Jersey must retrace her steps for 40 years? And yet Mr. Seward demanded that the Government must, and thus crush the South. Was that the voice of a constitutional statesman? [No, No] He knew that the black flag floated in the breeze all through the North, like a piratical flag at sea, but the people, when they learned its true character, would really like one man tear it down, and blot its foul presence out forever. [Tremendous Cheers] <sup>26</sup>

Hilliard continued to take high Southern ground as he discussed the possible outcome of the presidential election. In one of the most forceful emotional appeals ever presented to an ante-bellum Northern audience, he described with surprising candor and accuracy the results which would accompany a Republican victory:

The ashes of Washington would be reanimated and his immortal voice would speak out in sorrow at its success. [Sensation] In such a case our bright flag should be shrouded in crape, and we should mourn in sackcloth and ashes. In such a case . . . there would occur something that could never be forgotten, and the recital of which would make our children's children turn pale. <sup>27</sup>

Had Hilliard stopped here he might have been charged with preaching ultra Southern rights under the guise of unionism. To prevent such an interpretation of his remarks, he declared, in a statement which produced loud repercussions at home, "Come weal, come woe, he was bound to

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<sup>26</sup>Ibid.

<sup>27</sup>Ibid.

die in the Union." The effect of this appeal was galvanic. Relentlessly the Southern Unionist had carried his listeners forward through the power of his eloquence. Now they were ready to carry out his will. In this moment of emotional fervor Hilliard asked the assemblage "to rise, then, and vow and pledge themselves by one cry, that as far as they were concerned the sectional party should not succeed." "The audience here rose," observed an eyewitness, "and for several minutes there was a display of enthusiasm seldom witnessed anywhere."<sup>28</sup> Hilliard closed his effective address by urging the people to swear to fall and if necessary fight for the Union. With his eye upon the fire-eaters as well as upon the abolitionists, he then concluded: "The true way to begin would be by ridding the country of sectionalism and sectional men."

All who heard Hilliard's speech, observed the Journal reporter, "admitted that it had never been excelled in the prolific annals of the Newark stump campaigns." Nor was this an oration which was peculiarly adapted to the people of New Jersey, continued the critic:

We desire to hear no better National speech than Mr. Hilliard's and we wish that he could repeat it everywhere in the North prior to the election. It would do good even in Vermont, and

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<sup>28</sup> Ibid.

must weaken the Black Republican cause wherever it is repeated; for the people will ever listen to reason and common sense, when addressed to them so fairly as Mr. Hilliard presents his case.<sup>29</sup>

The Montgomery newspapers singled out for comment Hilliard's statement that "he was bound to die in the Union." As might be expected, the press was divided. "Now isn't this a nice sentiment for a Southern man to utter before a Northern or any other audience!" noted the Mail.<sup>30</sup> The Post, on the other hand, contended that "Whether Mr. Hilliard was right or wrong in uttering the sentiment attributed to him, he is in first-rate Southern rights company."<sup>31</sup>

Before returning to Alabama Hilliard delivered a second major address to a Northern audience. The occasion was the great Unionist meeting held at Cooper Institute in New York City on the 17th of September. It was perhaps one of the largest political gatherings of the campaign of 1860. Approximately 25,000 to 30,000 people packed the Institute and the surrounding area to hear a wide variety of anti-Republican orators.<sup>32</sup> The New York

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<sup>29</sup>Ibid.

<sup>30</sup>Montgomery Daily Mail, September 13, 1860.

<sup>31</sup>Montgomery Weekly Post, September 19, 1860.

<sup>32</sup>Boston Daily Courier, September 20, 1860.

Herald described the setting as follows:

From an early hour in the afternoon large crowds began to assemble about the building watching the active preparations which were in progress for the great national demonstration of the day. Rostrums and stands were erected in front of the Institute, and flags and banners bearing patriotic devices were suspended all around. . . . Cooper Institute was filled even to suffocation. The idea of a crowded building is generally an indistinct one to convey to those who do not actually witness the appearance of the multitude; but the largest crowd that ever assembled in one place in this city is as nothing to the overwhelming masses which crowded the ground-floor, corridor, portals, and even the windows, of this well-known and capacious institution last night. At a quarter past seven the house was full; at half past it was crowded to repletion; at quarter to eight the side windows were thrown open to the public, and at eight o'clock, the hour fixed for the beginning of the proceedings, the people were packed together as grains in a keg of gunpowder.<sup>33</sup>

Although the rally was sponsored by the Constitutional Unionists, it was partisan only in that it opposed Republicanism.<sup>34</sup> The Unionist leaders of New York, already despairing of a complete Bell-Everett

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33 New York Herald, September 18, 1860.

34 One of the resolutions passed was as follows: "Resolved, That in such an exigency, we may and must disregard any subordinate questions of administration in exercising the constitutional powers of the Government. It is enough for us now to know that the stability of the Union is imperiled by the principles and proceedings of the Republican Party, manifested by the nomination of candidates openly favoring and advocating a constant and irrepressible conflict between our geographical sections, the continuance of which must inevitably subvert our national Government, and we pledge ourselves to use all proper and constitutional means to defeat their election." New York Times, September 18, 1860.

victory in their strategically important state, were now anxious to coalesce with the supporters of Breckinridge and those of Douglas to form a fusionist ticket. Consequently the following resolution was adopted at the anti-Republican mass meeting at Cooper Institute:

That as we are no man's property, belonging neither to Breckinridge, Bell nor Douglas, but our own masters, with independent wills and powers, no mere party convention, nor political machine can harness us to drag or draw mere men, and thus in diverse harness, to drag and draw each other to pieces, and therefore, we should have no Breckinridge ticket, nor Bell ticket, nor Douglas ticket but one common, Union ticket.<sup>35</sup>

Of the seven speakers who addressed the enthusiastic assemblage, Hilliard provoked the greatest response. The purpose of the meeting, the size, nature, and warmth of the crowd, and the anti-Republican Unionist emphasis challenged him to reach the sublime. He felt confident and inspired as he rose to speak. Since there was no real need for Hilliard to arouse interest, conciliate his auditors, or prepare them for his argument in the opening remarks, he dispensed with an introduction per se and immediately set forth his major premises. First he established the importance of the 1860 presidential

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<sup>35</sup>Ibid. The actual list of candidates announced at the meeting included 18 Douglas, 10 Bell, and 7 Breckinridge followers. New York Herald, September 18, 1860.

canvass. In differentiating it from all previous contests, he solemnly declared:

But the contest now going on is not an ordinary canvass; it wears an aspect of far higher significance, and more momentous results lift themselves to view in the background. Bodies of men--disciplined, drilled, marching to the sound of martial music, bearing not arms as yet, but torches--tread the streets of this great national emporium, and range their columns under the very shadow of the statue of Washington. What men are they? They call themselves Republicans, but they have lost the last element of that principle; they are truly sectional men. [Applause] For what purpose are they trained? Against what enemy are they to march? One sentiment inflames the whole body. They are banded together for one purpose. They hate the South, and they will seek to overthrow the institutions of the South.<sup>36</sup>

Hilliard's extreme fear of the Republican party was due only in part to the acknowledged intent of its leaders to exclude slavery from the territories. Far more important was the possibility that the radicals, led by Seward, would crush out slavery in the States where it existed. To wage a war against this "baseless," "reckless," and "dangerous" evil, he urged his listeners to close ranks:

Every man in whose breast the instincts of patriotism are not utterly dead ought to range himself in the order of battle, as in Rome the fiercest dispute between the Patricians and the Plebeians could be stilled by hearing the common enemy thundering at the gates of the city. The common enemy thunders at the gate to-night. Let

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<sup>36</sup>Ibid. Hilliard's speech appears in full in this issue of the Herald.

us close our quarrels. [Applause] I appeal to the honesty, the independence, and the patriotism of the people of the country to defeat the grand army of our enemies. [Applause]<sup>37</sup>

Notwithstanding the fact that Lincoln had won the nomination, Hilliard, like many of his contemporaries, had come to view Seward as the real head of the Republican party. For that reason he had devoted much of his Newark speech to an analysis of Seward's philosophy. If such an approach proved successful in New Jersey, reasoned Hilliard, it should be considerably more effective in New York where the conservatives had learned to fear and distrust the leadership of their controversial Senator. Seward therefore again felt the brunt of Hilliard's attack. Before making his charges, however, Hilliard disclaimed any intent to deal with the Republican leader as a speculative thinker. He hoped instead to regard him as a "practical statesman" who had "wholly misconceived the character of the government." The New York Senator's announced purpose "to reverse the whole policy of the government, and to proclaim hostility to slavery everywhere," Hilliard contended, "was a flagrant attempt to place the government in the hands of one section, so that it could in turn trample the constitutional rights of the other." After reminding his audience that George

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<sup>37</sup> Ibid.

Washington, a slaveholder, presided over the Philadelphia Convention, Hilliard said:

Now I assert that it is wholly impossible to turn the powers of the common government, adopted for the benefit of all the States, against the institutions of any of the States, without an utter perversion of the true objects of that government, without a violation of the Constitution, and without inflicting a great wrong, to which a brave and spirited people ought not to submit, and to which the Southern people will never submit, until Revolutionary blood has died in their veins, and Revolutionary memories perished in their hearts.<sup>38</sup>

Hilliard next pictured the devastation which would follow the election of a Black Republican to the presidency. For four years this subject had been one of his favorite political themes. On the hustings in 1856; at the Southern Commercial Convention in May, 1858; at the University of Virginia in July, 1859; at Newark in September, 1860; and now at Cooper Institute, he graphically described the events which would accompany a Republican victory. The manner in which the appeal was used before the people of New York forcefully shows Hilliard's ability to adapt an argument to his audience. Uppermost in the minds of New York merchants and businessmen was the problem of economics. Since Republican radicalism, therefore, represented a threat to their financial interests, they were willing to go to any ex-

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<sup>38</sup>Ibid.

treme within the bounds of the Constitution to prevent a Lincoln victory. Aware of this feeling, Hilliard appealed to it with telling effect:

The day that witnesses the election of Mr. Lincoln, if that calamity is to be visited upon us, will witness a convulsion which shakes the institutions of this country to their deepest foundation. [Tremendous enthusiasm] Public confidence will expire, stocks will go down, property of every description will fall suddenly in value, commerce will feel the shock as if a storm had swept the sea and rent the sails of mighty ships, and this grand republican system, this glorious confederacy of free and powerful States, seated in friendly alliance upon a continent over which the gorgeous ensign of the Republic streams to-day, the symbol of peace, of union, and of strength, rocked as under the throes of an earthquake.<sup>39</sup>

Having concluded his attack upon sectionalism, Hilliard asked his audience to stand up and be counted for the Union. At this point, noted a reporter for the Herald, "the whole mass . . . rose with common impulse and cheered right lustily."<sup>40</sup> In a conclusion filled with pathos, Hilliard then said:

Upon you gentlemen of the State of New York, depends everything at this crisis; do not be dismayed by the magnitude of the task which lies before you; think of your vast strength; think of the glory which will crown you if, meeting the surging billows which have just broken over the State of Maine, you say to them: "Thus far shalt thou come, and no farther, and here shall thy proud waves be stayed." [Renewed Applause] It is glorious to see great

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<sup>39</sup>Ibid.

<sup>40</sup>Ibid.

strength displayed in the beneficent work of saving, and not destroying. You can save a Nation--you can rescue the Republic--you can cover yourselves all over with glory. The Lacedaemonians stood at the Pass of Thermopylae and died, earning immortality; they perished because they were feeble; they counted but hundreds against a host. But you are mighty--you are invincible; rise to the full grandeur of your position. Friends of the Constitution, friends of liberty, friends of the Republic, rise in the full majesty of your strength and crush the enemies of your country. [Tremendous applause] 41

Never had Hilliard's eloquence produced such a galvanic effect. At one point in the speech, observed the New York correspondent for the Charleston Courier, "the whole immense assembly rose, cheered, waved their hats and handkerchiefs, presenting a scene that was startlingly grand and exciting." 42 A similar reaction occurred at the close of the address. 43 So pleased were the conservatives with Hilliard's dramatic plea that they urged him to canvass up-State New York on behalf of the fusionist ticket. 44 A similar request came from the Unionists

41 Ibid.

42 Charleston Courier, quoted in Montgomery Weekly Post, October 2, 1860.

43 New York Times, September 18, 1860.

44 On June 13, 1865, Hilliard wrote to President Andrew Johnson: "I canvassed the state of New York in 1860 at the request of the conservative committee who desired to concentrate the friends of several candidates, Mr. Douglas, Mr. Breckinridge and Mr. Bell upon a single ticket." Hilliard to Andrew Johnson, Montgomery, June 13, 1865, Andrew Johnson Papers, Library of Congress, Washington, D. C. Hilliard's speeches in up-State New

of Boston.

Not all of the press, however, was complimentary. The New York Tribune berated "the hundreds of "wall-street operators who shouted their approval of Mr. Hilliard's scarecrow."<sup>45</sup> From New England, too, reverberations could be heard. The Boston Advertiser wanted to know if Hilliard's political friends were "willing to have the South, or any part of the South, really suppose that here, north of Mason Dixon's line, are nearly half a million men trained for an attack upon the South?"<sup>46</sup>

In the history of Hilliard's political career, the Cooper Institute Address plays a significant role. As one of his few stump orations which have been recorded in verbatim form, it provides the rhetorical critic with a further insight into the style which he employed in his extemporaneous speeches. The address, moreover, shows that Hilliard in 1860--as during his years in Congress--was unwilling to tone down his Southern rights convictions when speaking before a Northern audience. Finally, it indicates the appreciation with which Hilliard's talents had come to be viewed by Northern political leaders.

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York were given in the latter part of October and the early part of November.

<sup>45</sup>New York Daily Tribune, September 19, 1860.

<sup>46</sup>Boston Daily Advertiser, September 22, 1860.

Hilliard had not yet completed his tour of the North. He still had speeches to deliver in Boston and in upper New York. Before filling these engagements, however, he returned to Alabama. On route he stopped at Macon and Columbus, Georgia, and, for the first time in the South, spoke as a Bell-Everett supporter. "He made just the kind of speech which a patriot should make," said the Richmond Whig and Public Advertiser, "and just the kind that the times demand."<sup>47</sup> The ex-Whig organ, following the lead of the New York Unionists, then said: "The course adopted by Mr. Hilliard is the true course for all patriotic Breckinridge men to pursue."<sup>48</sup>

A few days later Hilliard addressed the Bell-Everett Club of Montgomery. The speech, delivered at Estelle Hall on the 29th of September, followed a pattern similar to that of his Northern addresses. Hilliard again maintained that the Constitution, the Union, and the laws was the only platform that "could reconcile the discordant elements of party, and restore peace and tranquillity to the country."<sup>49</sup> He based his support of Bell and Everett upon the fact that they, as "sound conservative States-

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<sup>47</sup>Richmond Whig and Public Advertiser, October 9, 1860.

<sup>48</sup>Ibid.

<sup>49</sup>Montgomery Weekly Post, October 2, 1860.

men, of large experience and unquestioned ability," were "the only available candidates to defeat Lincoln, and to rescue the country from the grasp of the black republicans."<sup>50</sup> The Post was eloquent in its praise of Hilliard's first anti-Democratic effort<sup>51</sup> in more than three years:

Mr. Hilliard's speech was eminently conservative and patriotic, and towered as infinitely above the political harangue of a party demagogue, as the cloud capped mountain towers above the mole hill at its base, and whilst it met all the issues involved in the present excited canvass, depicted the dangers to which we are exposed, demonstrated the duty of every friend to his country, and every lover of the Union. It was interspersed with vivid flashes of fancy, towering flights of eloquence, and forcible appeals to the patriotism of the people, that aroused a spirit of enthusiasm.<sup>52</sup>

On the following Thursday, October 4, Hilliard delivered a similar plea before an enthusiastic group assembled in Concert Hall in Montgomery. Despite the excessive heat and the crowded conditions, observed a partisan eyewitness, the audience remained "remarkably patient and attentive" and often "gave vent to their feelings in repeated shouts and rounds of applause, as the eloquent, soul-stirring and patriotic sentences

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<sup>50</sup>Ibid.

<sup>51</sup>At the conclusion of Hilliard's remarks, Thomas H. Watts welcomed Hilliard back from his visit with the Democracy. See ibid.

<sup>52</sup>Ibid.

flowed, in one continued and inspiring stream from the speaker's lips."<sup>53</sup> Proof of the effectiveness of Hilliard's address is indicated by the following observation recorded in the Post: "We have heard of three Breckinridge men who have confessed, since the speech, to the importance of uniting upon Bell and Everett, as Buchanan was united upon in 1856; and we presume there are many others similarly convinced."<sup>54</sup>

In the middle of October Hilliard, in response to the Macedonian call, headed North to plead again for the Unionist cause. His first stop was at Richmond where he addressed 4,000 persons including a large number of ladies.<sup>55</sup> The speech, though sketchily reported, shows how Hilliard varied his appeals to suit his audience. While in the North he had concentrated upon the evils of Republicanism, saying little about Douglas and Breckinridge. In Virginia, in contrast, he discussed at length the policy differences which separated the three anti-Republi-can parties. He drew the following distinction:

All that the constitutional Union party insists upon is Mr. Calhoun's doctrine. Mr. Douglas' doctrine goes too far the other way. The Supreme

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53 Ibid., October 9, 1860.

54 Ibid.

55 Richmond Whig and Public Advertiser, October 23, 1860.

Court had only really decided the status of Dred Scott, but it was evident from the reasoning of the Court that if the question were presented, it would decide that neither the people of a Territory or Congress have the right to exclude slavery. The question is practically settled, and should be regarded as settled. Mr. Breckinridge proposes to take the question from the courts and refer it to a black republican Congress.<sup>56</sup>

An equally important distinction, however, was the fact that since the Unionists were free from the taint of sectionalism, they alone could restore tranquillity to the government. "Who does not see that, if Bell and Everett are elected," said Hilliard, "peace will be restored to the country?"<sup>57</sup> Hilliard then spoke disparagingly of Breckinridge's chances in the campaign:

Who is most likely to defeat Mr. Lincoln? Certainly not Breckinridge. If he received the vote of every Southern State he would still fall short of an election. There is not a man in the United States who believes that Mr. Breckinridge can be elected-- not a woman who believes it, not a child believes it. Why, then, keep him on the track when there is no possibility of his election.<sup>58</sup>

Beneath Hilliard's veneer of optimism, however, were furrows of doubt concerning the outcome of the election. He had too much political acumen to discount the strong appeal of the Republican party. Thus Hilliard urged the

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<sup>56</sup> Washington Constitution, quoted in Montgomery Weekly Advertiser, November 7, 1860.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

people of Virginia to stand firmly by the national government in the event of Lincoln's election, in order to keep South Carolina, Alabama, and other Gulf States in the Union.<sup>59</sup> Such an appeal stands in startling contrast to Hilliard's aggressive-defensive arguments presented in New Jersey and New York. Apparently he still held the view that it was necessary to speak aggressively in the North and soothingly at home.

The Richmond Whig was pleased with Hilliard's two-hour address:

His speech was a great and glorious one, free, altogether from the spirit of mere partizanship, calm, earnest, logical and eloquent and carrying, we doubt not, conviction to every unprejudiced and reflecting mind. . . . We have rarely seen such rapt attention paid to a public speech. We have rarely seen an audience better satisfied and more highly delighted with any public speech. It was a complete and triumphant success. That it set his audience to thinking, and produced great good, we entertain no doubt. Indeed it were simply impossible to listen unmoved and unconvinced to the calm argument, eloquent counsels and stirring appeals of the distinguished and patriotic son of Alabama. We sincerely wish that every man, woman and child in Virginia could have heard Mr. Hilliard's speech.<sup>60</sup>

The Southern Democratic press, as usual, disliked the tenor of Hilliard's remarks. The Washington Constitution accused Hilliard of hiding behind a simu-

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<sup>59</sup> Richmond Whig and Public Advertiser, October 23, 1860.

<sup>60</sup> Ibid.

lated righteousness during his platform exhibitions, and scolded him for his unfair attacks upon Breckinridge.

With a note of sarcasm the editor declared:

Alas, for frail humility! Mr. Hilliard, you discover on examination, is good only to look at; analysis does not suit him. With all his praise of self, you find that he is mortal, and, not only mortal, but like the average of orators who are engaged in sugar-coating partisan pills. You see, in brief, that neither past considerations as a reverend, nor present obligations as an honorable, restrain him from heaping misrepresentation upon Mr. Breckinridge, and eulogy upon Mr. Douglas, the better to promote the cause of Mr. Bell.<sup>61</sup>

The Montgomery Advertiser replied to Hilliard's eulogy on Bell's national appeal with the curt statement that he was "national, because no section will give him a single electoral vote."<sup>62</sup> Despite these taunts from the opposition press, however, Hilliard had cause to be encouraged by the effect of his Richmond speech. As he departed for Boston, the first stop on his second tour of the North, he carried with him the good wishes of the Whig: "Heaven grant that his noble efforts may be crowned with a brilliant and complete success."<sup>63</sup>

Early in October Hilliard informed Everett of his willingness to speak to the conservatives of Boston. The

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<sup>61</sup> Washington Constitution, quoted in Montgomery Weekly Advertiser, November 7, 1860.

<sup>62</sup> Montgomery Weekly Advertiser, November 7, 1860.

<sup>63</sup> Richmond Whig and Public Advertiser, October 23, 1860.

vice-presidential candidate said in reply "that nothing would give our friends greater pleasure. I shall depend on your making my house your home."<sup>64</sup> The warmth with which Hilliard had been received on his two previous visits to Boston was still evident as he arrived at Faneuil Hall to address an overflow audience. As was usually the case when Hilliard spoke, the ladies came in surprisingly large numbers.<sup>65</sup> Against this background of enthusiasm Hilliard traced the uneasiness which permeated the mind of the South, the dangers which threatened the Union, and the saving power of the Constitutional Union party.

Hilliard thanked the audience at the outset for the warm reception which had been tendered him and confidently asserted that under the inspiration of this historical center he could speak in a spirit of perfect freedom. After describing the state of unrest which existed in South Carolina, Mississippi, and Alabama, he proceeded to express his faith in the constitutionality of the state rights philosophy, and maintained that no state had a right to interfere with the peculiar institutions of

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<sup>64</sup>Edward Everett to Henry W. Hilliard, Boston, October 10, 1860, Edward Everett Papers, Massachusetts Historical Society, Boston, Massachusetts.

<sup>65</sup>Boston Daily Courier, October 26, 1860.

another state.

Aware of the nature of his auditors, Hilliard next drew a comparison between Webster and Seward. One he called the defender of the Constitution; the other he branded as the country's greatest enemy. When this stinging rebuke of Seward prompted a heckler to call out, "You hung John Brown," Hilliard retorted with considerable force: "Well gentlemen, we don't want to hang these men, but to subdue them, to disarm the greatest demagogues the world ever saw."<sup>66</sup> At the close of this bit of effective repartee, Hilliard ingratiated himself with his audience by repudiating those Southern radicals who desired to reopen the African slave trade. In brief, he made it clear that the South as well as the North must abide by the compromising spirit of the Constitution.

Hilliard's greatest indictment of the Republican party was yet to come. He contended that its leaders were obsessed with the question of slavery. In a pathetic appeal which produced a mixture of laughter and applause, he said of the Republicans:

They eat with the negro, they sleep with the negro, they rise with the negro. Verily, "the

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<sup>66</sup>Ibid. For similar versions of Hilliard's speech see the Boston Daily Traveller, October 26, 1860; the Boston Daily Atlas and Bee, October 26, 1860; and the Boston Daily Advertiser, October 26, 1860.

negro hath murdered sleep." They take their candidates from States that do not hold slaves. The whole principle is that of bringing the Southern States under the ban of a government hostile to slavery. They seek to degrade the South. Is it no harm to a great and high spirited people to say, not one of your sons is worthy to hold the Presidential chair? Is it to be expected that the people of the South will see the government pass into the hands of their common enemies? Never, while the spirit of the revolutionary war is in their veins.<sup>67</sup>

Since the problem of slavery was of no concern to the people of the North, said Hilliard in summary, the whole theory of the Republican party was false.

One of the most damaging charges made against the Constitutional Union party in 1860 was that it had no platform. To meet this objection Hilliard, in an argument filled with more emotion than logic, declared that "the time has passed by for platforms. If there is to be a platform let it be that of Washington and Jefferson and Madison."<sup>68</sup> How the Constitutional party if elected could run the Federal government on such a tenuous basis did not seem to concern him. Either he felt that the Unionists could not actually win the election, or he naively believed that the experience and patriotism of Bell and Everett, along with the principles of the Constitution, were all that was needed to restore tranquillity to the

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<sup>67</sup>Boston Daily Courier, October 26, 1860.

<sup>68</sup>Ibid.

government. This, it would appear, was the dilemma of the Bell-Everett supporters.

Hilliard's anti-sectional feeling was perhaps more evident in his Boston speech than in any of his other Northern addresses. Placing his love of the Union above his loyalty to a section, he promised the people of the North that if they "put down the Republicans . . . we will put down the disunionists at the South."<sup>69</sup> Never had Hilliard, when addressing a Northern audience, spoken of the Southern radicals in such defiant terms.

Nor did Hilliard forget the important part which the basic drive of economics played in the campaign. If sectional men were borne into power, he argued, the days of the Republic would be numbered, for then Southerners would feel that their financial interests would be advanced by setting up an independent Republic. Already the leaders of the slave states were saying, "What do we gain from the North? The loss of our cotton crop would ruin the world. We have a cotton crop of 4,000,000 bales; all the ships come to our ports for it."<sup>70</sup> But the economic welfare of the South, added Hilliard, was no more dependent upon the preservation of the Union than

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

was that of the North: "You have manufacturing interests here. Suppose this government were destroyed, how many cotton gins would you sell in the South? How many shoes? How much of any thing? Think of that."<sup>71</sup>

With malice for the Republicans and charity for the Democrats, Hilliard concluded with the following plea:

The Republicans are thundering at our gates; they are our common enemy. Whigs, Democrats, unite and beat down the common foe. Massachusetts has a great heart; let us hear her cheer rising above the noise of battle. "A little more grape" and you may depend upon victory. We are building up a party which shall govern the country, which shall rescue the country and beat down her enemies.<sup>72</sup>

In closing he asked the men for their votes and efforts, and the ladies for their counsels and prayers.

Following the address, a procession headed by a band escorted Hilliard to the residence of Edward Everett. A short while later Everett and Hilliard faced the jubilant crowd from the balcony of Everett's home. The music which rent the air, said the vice-presidential candidate, was payment in kind for the music of Hilliard's voice to which they had just listened. He rejoiced that the people of Boston had the opportunity to hear such a distinguished leader of the South. The meeting ended with a brief

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<sup>71</sup>Boston Daily Evening Traveller, October 26, 1860.

<sup>72</sup>Boston Daily Courier, October 26, 1860.

speech from Hilliard.<sup>73</sup>

The Courier's evaluation of Hilliard's Faneuil Hall address is important not only from the standpoint of its analysis of Hilliard's rhetorical effectiveness, but also for its refutation of the Republican claim that their orators were unjustly deprived of the Southern rostrum:

The speech of Mr. Hilliard was such a one as was expected of him--eloquent, high-toned and national, and at the same time spontaneous and natural, and admirably calculated for popular effect. Our Free-Soil orators are in the habit of complaining that they cannot speak at the South, though gentlemen from that section are listened to here with deference and good will. They do not seem sensible of the fact that this is no reproach to the South, but to themselves. There is not a place in this country, in which a man who has anything to say worth saying, and who will deliver a speech worthy an American citizen, will not find all the sympathy and enthusiasm he can desire. Mr. Hilliard treated his audience nobly, and they responded in the same noble spirit. We were sure, from our intercourse with people upon the floor, that it was doing good, and our friends have every reason to rejoice at this timely visit of the distinguished and statesmanlike son of the South.<sup>74</sup>

Hilliard's convincing oration at Boston, combined

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<sup>73</sup>Ibid.

<sup>74</sup>Ibid. The Boston Daily Advertiser, October 26, 1860, had this to say of Hilliard's effectiveness: "Mr. Hilliard's remarks were frequently interrupted with applause, which, though very enthusiastic, was of a promiscuous order, comprising repeated cries of 'all up,' the tinkling of innumerable small tea-bells, and the spelling of short and easy words, such as B - e - l - l, & Co."

with his dramatic successes in Newark and New York, created a demand for his services at political rallies throughout the North. Particularly impressed were several influential leaders of New York who asked him to deliver some addresses in the interior of the state on behalf of the fusionist ticket.<sup>75</sup> The occasion for his first speech in up-state New York was a Unionist rally held at Utica on the 2nd of November. Not much was new in Hilliard's attack. Again he charged that the Republicans were trying to interfere with slavery where it legally existed, predicted that the election of Lincoln would be a signal for a general revolution in the South, and eulogized the Union.<sup>76</sup> Although the Utica Herald, a Republican organ, denounced Hilliard for presenting a "disingeneous" argument, it praised him for his cultural traits and oratorical ability. Said the editor:

His presence was commanding, his style polished, his manner impressive, and his line of remarks conservative. A gentleman of culture, one of the finest orators of the South, a man of comparatively

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<sup>75</sup>Hilliard, Politics and Pen Pictures, 304.

<sup>76</sup>Utica Morning Herald, November 3, 1860. The same version of the speech appears in the Oneida Weekly Herald, November 6, 1860. Hilliard made the following brief notation concerning his speech: "At Utica I was received in a way that gratified me greatly." Hilliard, Politics and Pen Pictures, 304.

moderate views, he made a very plausible . . . speech.<sup>77</sup>

Hilliard's final address in the campaign of 1860 was presented at a Union meeting in Buffalo on the eve of the election. The speech was, for the most part, a summary of previous arguments which he had presented throughout the North. He alluded to the boasting confidence of the Black Republicans, and showed the reasonableness of the South's alarm. Establishing his personal prestige by asserting that he was a Union man who had in times past fought the sectionalism of Calhoun and Yancey, Hilliard "appealed to the electors of New York, using the same language with which he had exhorted his brethren in Alabama to fidelity to the Union and Constitution."<sup>78</sup> He challenged his audience in conclusion to turn back the advancing tide which threatened to engulf the country.

The Buffalo Courier referred to Hilliard's effort in glowing terms:

We cannot give even a sketch of the magnificent address which for nearly an hour and a half held the hall full of eager and sympathetic listeners. It was perhaps the most stirring, as, in our opinion, it was certainly the most high toned and strikingly eloquent appeal which has been made to the Union men of Buffalo during the campaign. Again and again the enthusiasm of the vast assembly broke forth in

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<sup>77</sup> Utica Morning Herald, November 3, 1860.

<sup>78</sup> Buffalo Daily Courier, November 6, 1860.

loud and prolonged applause, and if there was a man in the auditory who had bestrode the fence before, the irresistible eloquence and reasoning of Mr. Hilliard's address must have won him over to a sense of his duty to the common country in the present unparalleled emergency.<sup>79</sup>

That the Courier, a Douglas supporter, commended the speaker and the speech in such warm language is proof not only of Hilliard's impressive stump technique, but also of his success in identifying the cause of the Democrats with that of the Unionists.

The fusionists had made a gallant bid to keep New York's thirty-five electoral votes out of the Republican column. For a time it appeared that they might succeed. As late as October 28, George Templeton Strong noted: "The talk today is that Fusionism may carry this state after all. Then the election goes into the House and would be long contested before a majority could unite on any one of the three."<sup>80</sup> Election day, however, told a different story. The Republicans swept the key state of New York, along with fourteen other states. Although Lincoln's 1,866,452 popular votes were one million less than that of the combined opposition,

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<sup>79</sup> Ibid.

<sup>80</sup> Allan Nevins and Milton H. Thomas, eds., The Diary of George Templeton Strong, 3 vols. (New York, 1952), III, 55.

he received one hundred and eighty electoral votes--a majority of fifty-seven.<sup>81</sup>

While Lincoln's election did not come as a major surprise, the contest presented some unexpected results. Perhaps the most astonishing disclosure was that Douglas, despite his 1,376,957 popular votes, had only twelve electors--three in New Jersey and nine in Missouri. Almost equally significant was the fact that Breckinridge received but a plurality of the Southern vote. His total of 570,000 was more than one hundred thousand less than the 516,000 cast for Bell plus the 163,000 for Douglas.<sup>82</sup> In Alabama the opponents of Breckinridge had over forty-five per cent of the vote.<sup>83</sup> "Altogether," observes Nevins, "it was a very curious, a very mixed, and except

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<sup>81</sup>Breckinridge, as was expected, received the seventy-two electoral votes of the eleven slave states. It should be noted, however, that his total of 849,781 was considerably smaller than that which had been anticipated. Bell, with 588,879 popular votes and thirty-nine electors, carried three states--Virginia, Kentucky, and Tennessee. Douglas gained 1,376,957 popular votes, but won only twelve electors. See Nevins, The Emergence of Lincoln, II, 312-313.

<sup>82</sup>Nichols, Disruption of the American Democracy, 375, has interpreted the results as meaning that the Democratic party organization was no longer "supreme in the South."

<sup>83</sup>Breckinridge received a popular vote of 49,019; Bell 27,827; and Douglas 13,657. See Denman, The Secession Movement in Alabama, 85.

for its grand central result, a very inscrutable election."<sup>84</sup>

As the news of Lincoln's election reached the South the wheels of secession began to turn. On November 9, South Carolina, long the personification of ultra Southern rights, passed a bill calling for a secession convention to be held in December. Similar action was taken by Georgia, Alabama, Mississippi, Florida, and Louisiana. During the time which elapsed between the call and the convention in the above states, conservative leaders attempted to sway the people in the direction of delayed secession. Hilliard, one of the most active leaders of this movement in Alabama, delivered on December 10, in Montgomery, a dramatic plea on behalf of the Union. He never spoke for a nobler cause, nor with less spirit of partisanship than he did on that night when he urged an audience which favored immediate secession to count the cost of such a disunionist policy.<sup>85</sup>

Despite the valiant efforts of the cooperationists to preserve, at least temporarily, the Union intact, the secessionists of the Lower South were not to be denied.

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<sup>84</sup> Nevins, The Emergence of Lincoln, II, 313.

<sup>85</sup> For a full description and treatment of Hilliard's Estelle Hall Speech of December 10, see Chapter I.

South Carolina officially set up an independent government on December 20. Within the next six weeks the states of Georgia, Mississippi, Florida, Alabama, Louisiana, and Texas likewise withdrew from the national government. In February delegates from these seven states met in Montgomery and organized the Confederacy. With the election of Jefferson Davis and Alexander Stephens as President and vice-president respectively, the establishment of the New Republic was complete.

The months intervening between Lincoln's election and his inauguration represent a difficult period of adjustment for the Southern Unionists. Soundly defeated in the secession conventions, they were forced to follow either a policy of submission or one of passive resistance. Either choice meant a lessening of political influence. Those who suddenly chose to cast their lot with the secessionists would be haunted by the knowledge that the Republican victory, however detrimental to the South, was achieved by Constitutional means, and that the new Administration had not been given a chance to prove itself. Moreover, those who, like Hilliard, selected the second alternative--a policy of token resistance--in effect isolated themselves from politics.

During the early months of 1861 Hilliard's name began to fade from the columns of the Alabama newspapers.

Opposed to the steps which the South had taken, he was now a member of the minority which had lost its power to speak. Thus isolated, he viewed from his Montgomery home the rise of a new Republic which seemed determined to challenge the national government from which it had so recently withdrawn. Notwithstanding the fact that his ominous predictions concerning Lincoln's election were about to be fulfilled, Hilliard as late as the first of March yet hoped that the Republican leaders might ultimately yield to Southern pressure. Only through such a policy free from force, he sincerely believed, could peace between the sections be maintained.

Of the numerous problems which arose from the formation of a separate Republic, none seemed so fraught with danger as the question of jurisdiction concerning the federal forts located in the South. Shortly after the Confederacy was formed the Southern high command claimed the right to seize Fort Pickens in Florida and Fort Sumter in South Carolina. On February 22, the Confederate Congress "passed a resolution declaring that steps should be taken to obtain Forts Sumter and Pickens, by negotiation or force, as early as possible, and authorizing President Davis to make all necessary military preparations."<sup>86</sup> Buchanan, frantically trying to avert war, again

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<sup>86</sup>Nevins, The Emergence of Lincoln, II, 450.

placated the South. While he upheld the Federal government's right to occupy the forts, he made no effort to reenforce them. Lincoln, however, revised this policy of conciliation a few weeks after he became President. He thus ordered provisions to Charleston, whereupon the Confederates fired on Sumter, forcing Major Robert Anderson and his garrison to surrender. When Lincoln retaliated with a threat to coerce the South into submission, the Civil War in reality had begun.

Lincoln, in Hilliard's opinion, had committed an unpardonable sin by using force against a sovereign state. "Force may be employed against masses of individuals, however numerous," said Hilliard to the editors of the New York World in January, but "never against political communities or states."<sup>87</sup> Thus convinced that the new President had precipitated the war by violating a constitutional precept, Hilliard was ready to turn his back upon the Union that he had fought so hard to preserve.<sup>88</sup>

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<sup>87</sup> Hilliard to the editors of the New York World, Montgomery, January 9, 1861, New York World, January 17, 1861.

<sup>88</sup> In commenting on Lincoln's intent to coerce the seceding states into obedience, Hilliard said: "I regarded this as an act in flagrant violation of the Constitution. This usurpation of authority was in conflict with the principles of free government and the spirit of our institutions. The history of the federal government showed that its framers had not only not conferred this power upon the President, but had withheld

Jefferson Davis must have been aware of Hilliard's shift in loyalty, for he asked him in April to go to Tennessee as a representative of the Confederacy. The purpose of the mission was to encourage that border state to join the Southern cause. In view of the fact that circumstances had changed since his active opposition to secession, Hilliard felt justified in answering the call of the rebel government. That Davis selected Hilliard for such an important assignment is not surprising. Indeed, in many respects it was an ideal choice. Unionist sentiment in Tennessee--especially in the eastern portion of the state--was quite strong. Hilliard had worked closely with the men who fostered this spirit of Unionism in Tennessee. He had served in Congress with Andrew Johnson, and had stumped the country for Bell in the 1860 campaign.

Not only was Hilliard an ideal emissary because of his close connections with the Unionist leaders of Tennessee, but also because of his acknowledged ability to sway an audience. It was by no means certain that Tennessee, so close to the armies of the North and so long protected by the Union, would suddenly risk destruc-

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it even from Congress when it had been proposed to grant it." Politics and Pen Pictures, 324.

tion of her men and property by joining the Confederacy. In fact, there was ample evidence to indicate that the opposite would happen. From the beginning the leaders of that crucial border state had turned a deaf ear to the earnest appeals of the secessionists.<sup>89</sup> Not even Lincoln's bold defiance of the South was enough to induce Tennessee to become a member of the New Republic. The mission, therefore, doubtless demanded an orator capable of crystallizing the issues of the hour and of relating them to the needs of the people. Experience had shown that Hilliard was endowed with such qualifications.

At the close of his conversation with Davis, Hilliard proceeded to Nashville at once. A few days after arriving at his destination he sent the following dispatch to the Confederate government's Secretary of State, Robert Toombs:

The leading men here have generally called on me, and I am warmly welcomed. I have not lost the opportunity of making an impression favorable to our Government, and I do not doubt a speedy accomplishment of the objects of my mission. Our Constitution is highly approved, and the conduct of our Government inspires respect and admiration. . . . I was invited

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<sup>89</sup>A short time before Hilliard's scheduled trip, another commissioner had failed in his attempt to persuade Tennessee to ally herself with the Confederacy. Ibid., 325.

to deliver a speech in the Capitol on Saturday evening--indeed, bills were posted throughout the city stating that I would do so--but I declined, preferring to wait for an introduction to the Legislature before addressing the public.<sup>90</sup>

The next day Hilliard presented to the members of both houses of the legislature, and to the citizens of Nashville who had crowded the gallery, reasons why Tennessee should secede immediately from the Union. The time had come, he argued, for that state to decide a great question. She must either give her support to a President dedicated to coercive measures, or "take her stand with kindred people who had organized an independent government for the protection of their rights."<sup>91</sup> Denouncing Lincoln's proclamation calling for troops to invade the states that had withdrawn from the Union, Hilliard declared:

Gentlemen, it is no longer a question of secession; several States have already taken that step; the time is at hand when a great battle is to be fought in vindication of constitutional liberty. The President of the United States has usurped the authority to make war, and he proposes to march an army into the Southern States upon the ground that it is his duty to suppress an insurrection. It is for Tennessee to decide on which side she will take her stand; whether she will contribute her strength to uphold a government that transcends in its action the principles of the Constitution, and undertakes to define its authority over States, and to enforce

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<sup>90</sup>Hilliard to Robert Toombs, Nashville, April 29, 1861. The War of the Rebellion: Official Records of the Union and Confederate Armies (Washington, 1898), Series I, Vol. LII, Part II, 77-78.

<sup>91</sup>Hilliard, Politics and Pen Pictures, 327.

it by arms--or whether she will range herself by the side of that new government which has been instituted in defence of constitutional law, the public right, and the honor of the South. Virginia, confronting the approaching invasion, has just thrown down her gage of battle, shouting out in the spirit of revolutionary times "Sic semper tyrannis." Will Tennessee, with her heroic sons, whose battles and victories have illustrated the State, join us, and help us to repel an invasion which is monstrous on this continent, and in this nineteenth century? Every consideration appeals to you to range yourselves by our side.<sup>92</sup>

Hilliard concluded his appeal with a challenge to Tennessee to assist the South in its noble attempt to save constitutional liberty.<sup>93</sup>

The legislators, the galleryites, and the newspaper editors were impressed with Hilliard's dynamic appeal. The Union and American declared:

We trust the Legislature will ask for a copy of this eloquent and powerful address. It was clear, forcible and soul-stirring, enforcing a union of Tennessee with the Confederate States, with arguments and motives that were irresistible. The address was loudly applauded at all points when allusion was made to union with the Confederate States, thus showing how the hearts of Tennesseans beat, and how warmly they accept the proposition. Mr. Hilliard is a graceful and impressive speaker, and in the name of the people, we thank him for his eloquent appeal to Tennesseans.<sup>94</sup>

<sup>92</sup> Ibid., 327-328.

<sup>93</sup> For paraphrased versions of Hilliard's speech see the following sources: American Annual Cyclopaedia, Vol. I, 1862, 679; and Nashville Patriot, May 1, 1861, quoted in Montgomery Weekly Advertiser, May 4, 1861.

<sup>94</sup> Nashville Union and American, May 1, 1861.

Similarly, the Patriot, describing the speech as "admirable in manner and matter, eloquent throughout, and often rising to the point of true pathos and eloquence," asserted that "if Tennessee determines to sever her connection with the United States, as, from present indications we believe she will, the mission of Mr. Hilliard will become one of vast importance."<sup>95</sup>

Now that Hilliard had presented his case to the lawmakers of Tennessee, he was ready to speak to the people. On the following night he stood on the Court House steps and addressed "one of the largest, most enthusiastic and unanimous" meetings ever to be held in Nashville.<sup>96</sup> He briefly explained the object of his mission, and stated that he had every reason to believe that the Legislature, in making its final decision, would be motivated by patriotism. Moreover, he assured the people that the Confederate States could amply supply Tennessee with moneyed facilities and arms of all kinds. According to the Union and American, Hilliard spoke on this occasion with "more brilliancy and power than on yesterday."<sup>97</sup> At the close of the meeting the following

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<sup>95</sup>Nashville Patriot, May 1, 1861, quoted in Montgomery Weekly Advertiser, May 4, 1861.

<sup>96</sup>Nashville Union and American, May 2, 1861.

<sup>97</sup>Ibid.

resolution was adopted:

Resolved, That we listened with high satisfaction, to the eloquent and patriotic address, of the Hon. Henry W. Hilliard . . . delivered on yesterday, to the two Houses of the Tennessee Legislature, and that we heartily approve the views and sentiments contained in said address on that occasion.<sup>98</sup>

On the night of May 3 Hilliard delivered his last speech to the citizens of Tennessee at a public meeting in the Hall of the House of Representatives. Speaking in a "spacious chamber . . . crowded with the beauty and chivalry of Nashville," he invited Tennessee "to join the gallant band of confederates who have united to throw off a ranker tyranny than that which our revolutionary fathers united to resist."<sup>99</sup>

Hilliard's rhetorical effectiveness was never more apparent than it was on his Nashville mission. The Patriot declared that "of the three leading men of Alabama who have spoken in this city" as representatives of the Southern movement, Hilliard "is the most winning as an orator."<sup>100</sup> More important was the effect which Hilliard's appeals had upon the Legislature. The members of that body, responding to the eloquence of the ex-Unionist

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<sup>98</sup> Ibid.

<sup>99</sup> Ibid., May 4, 1861.

<sup>100</sup> Nashville Patriot, quoted in Montgomery Weekly Post, May 8, 1861. The other two Alabama orators who had spoken in Tennessee were Yancey and L. Pope Walker.

leader, formed a temporary alliance with the Confederacy on the 7th of May.<sup>101</sup> When Hilliard returned to Montgomery a few days later, Davis congratulated him, saying "you have transcended my expectations."<sup>102</sup>

During this period of the great national decision, Hilliard perhaps reached his greatest heights as a political orator. Alarmed by the heat which had been generated by the fire of slavery agitation, he fought to prevent the embers from bursting into open conflagration. Throughout the campaign of 1860, he carried the Unionist banner into the leading states of the South and the North. He warned the people to turn back the Black Republican crusade and thereby save the national government. When the masses failed to heed this call, he made a last dying attempt to rally the citizens of Alabama to stand by the Union. But it was too late. The Unionists in the South had had their day; it was now time for the secessionists to take control.

Until the end, Hilliard had opposed secession. When it finally came, he did not doubt its constitutionality. Thus, he denied the right of the Federal

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<sup>101</sup> Senate Documents, Vol. 31, No. 234, Journal of Congress of Confederate States, Vol. I, 58th Cong., 2nd Sess., 223-224.

<sup>102</sup> Hilliard, Politics and Pen Pictures, 330.

government to use force against the Confederate States. As soon as Lincoln committed himself to a policy of coercion, therefore, Hilliard no longer felt duty-bound to support the Union. When the curtain was drawn on the ante-bellum period, Hilliard, now unable to fight for the Union, was still championing the other two principles which had characterized his political career from the beginning. Against a background of war clouds which dotted the horizon, he eloquently preached the doctrine of Southern rights and the Constitution.

Although Hilliard's rhetorical career as a Southern Unionist ended with the advent of the Civil War, he had not yet concluded his services to the South and to the nation. In the remaining thirty years of his life he served with distinction as a soldier, diplomat, and author.

Responding to the call of the South, Hilliard in 1862 organized a legion and promptly received the rank of Colonel in the Confederate Army. One year later, amidst severe criticisms from his political opponents, he suddenly resigned his commission and returned to Montgomery where he once again became a minister in the Methodist Church. For the next two years he devoted his time to preaching and to the writing of a novel entitled De Vane:

a story of plebeians and patricians. <sup>103</sup>

In 1865 Hilliard, after marrying for the second time, moved to Augusta, Georgia, and there renewed his practice of law.<sup>104</sup> It was at this time that he delivered his one address to the Confederate troops. Speaking before a group of Alabama soldiers stationed in Hamburg, South Carolina, he urged the South "in most eloquent and persuasive terms" not to lay down her arms until her right to treat as an independent people was acknowledged by her enemies.<sup>105</sup> The speech, said one eyewitness, "only confirms our belief that Hilliard is one of the most accomplished orators and greatest statesmen of America."<sup>106</sup>

When the war ended Hilliard accepted the verdict. During the dark days of the Reconstruction period he showed a willingness to cooperate with the conservative Republican leaders of the North. In 1872 he supported Horace Greeley for the presidency. Four years later he

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<sup>103</sup> Hilliard, De Vane: a story of plebeians and patricians, 2 vols. (New York, 1865). The novel was written as a defense of the Methodist Church.

<sup>104</sup> Hilliard was first married in the early 1830's to a Miss Bedell of Georgia. Following her death he married a widow, Mrs. Mayes, from Montgomery.

<sup>105</sup> Augusta Daily Chronicle and Sentinel, March 16, 1865.

<sup>106</sup> Ibid.

made an unsuccessful attempt to win a seat in Congress as an independent candidate from the Fourth District of Georgia.<sup>107</sup>

Hilliard's last significant period of service to his country came during the administration of Rutherford B. Hayes. The Republican President, as part of his program to conciliate the embittered South, appointed Hilliard as minister to Brazil. This position was especially important in view of the fact that a surprisingly large number of Southerners had gone to Brazil at the close of the Civil War. Hilliard's most notable contribution during his stay in South America was the impetus which he gave to the antislavery movement in Brazil.<sup>108</sup>

When he returned to the United States at the age of seventy-one, Hilliard had completed his public career. Content with the past he settled down in Atlanta and recorded in his memoirs--Politics and Pen Pictures--the exciting story of his eventful life. Of Hilliard's most important literary work, ex-President Hayes said:

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<sup>107</sup> Hilliard was soundly defeated by a majority of 8,012 out of a total of 19,582 votes. New York Daily Tribune, August 1, 1877.

<sup>108</sup> For an account of Hilliard's activities during this period, see Politics and Pen Pictures, 356-402, and W. G. C (?), Henry W. Hilliard, His important part in Brazilian Affairs (Atlanta, 1886).

I have read it with great interest. Its graphic description of the great conflict--the election of 1860, the Civil War, and the reconstruction period,--coming as it does from a conservative Southern Whig and "American" who opposed secession but who when the war came, espoused the cause of the Confederacy, is especially noteworthy and valuable. We had heard before from the Union side in many volumes, and from the pens of original and extreme States' Rights men of the school of Calhoun and Jefferson Davis, but you have given a full, clear, and able presentation of this stirring epoch from the standpoint of a Southern Unionist of national sentiments, who was swept into the mighty struggle against the Union by the stress of strenuous circumstances.<sup>109</sup>

Hayes' analysis serves as an appropriate summary to the life and political career of Henry W. Hilliard, Southern Unionist.

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<sup>109</sup>Rutherford B. Hayes to Henry W. Hilliard, Fremont, April 30, 1892. Rutherford B. Hayes, Diary and Letters, 6 vols. (Columbus, 1926), V, 78-79.

## CHAPTER XIII

### AN APPRAISAL OF THE ORATOR

Shortly after Hilliard's death in December, 1892, the Birmingham Age Herald remarked: "As an orator he will be chiefly remembered."<sup>1</sup> This statement epitomizes the life of one of Alabama's most distinguished political figures. A man of many talents, Hilliard won "his way to success fairly by the force of his learning and his power as a stump speaker."<sup>2</sup> Contemporaries referred to him as a "natural orator" who moved his audience with comparative ease.<sup>3</sup> Often he was described as a "handsome Apollo" or a speaker with a "voice as Apollo's." "Upon his lips," said many who heard him, "the mystic bee has hung the honey of persuasion." Others called him the "most eloquent of statesmen; the most statesmanlike of

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<sup>1</sup>Birmingham Age Herald, December 18, 1892.

<sup>2</sup>Smith, Reminiscences of a Long Life, I, 220. Another contemporary has observed: "Few men have achieved so much by the exertion of brilliant talents, unaided by wealth or family influence." Willis Brewer, Alabama, Her History, Resources, War Record, and Public Men (Montgomery, 1872), 455.

<sup>3</sup>Newark Journal, September 8, 1860; Atlanta Constitution, December 18, 1892.

orators."<sup>4</sup> In short, Hilliard, with the possible exception of Yancey, stands as the foremost orator in Alabama history.<sup>5</sup> "They were easily the first orators of the state," said one writer who was familiar with the times, "and when they 'locked horns,' as it was termed, the struggle was spoken of as the 'battle of the Giants.'"<sup>6</sup>

The speaking career upon which the above conclusions are based constitutes evidence that Hilliard deserves high recognition as a personage in the sphere of public address. His political and epideictic addresses were more than so many chronological events. They were specimens of rhetoric and determined efforts on the part of a native Southerner who sought to influence the course of the South and the nation. He both succeeded and failed, but without his rhetorical influence the history of Alabama would be a different story.

What generalizations may be drawn concerning the rhetorical practices of Hilliard? What qualities of personality and what characteristics of presentation made

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<sup>4</sup>W. S. Wyman, speaking shortly after Hilliard's death, recalled that he had heard these statements on numerous occasions. Montgomery Advertiser, December 25, 1892.

<sup>5</sup>Mellen, "Henry W. Hilliard and William L. Yancey," loc. cit., 32.

<sup>6</sup>Warfield C. Richardson, "Hilliard and Yancey--a Parallel," Montgomery Advertiser, November 8, 1908.

him tower above so many of his contemporaries? To answer these questions it is essential to bring into clearer focus Hilliard the man, and his use of the following elements of rhetoric: (1) basic speech premises and arguments; (2) arrangement; (3) style; and (4) delivery.

Fundamental to Hilliard's political philosophy was his concept of the nature of oratory. From his youth he steadfastly maintained that true eloquence had as its purpose the improvement of the welfare of the people. When he told the members of the Erosophic Society in 1832, for example, that the leading weakness of the oratory of Greece was that it "vindicated the independence and glory of the State, rather than the freedom and happiness of the people,"<sup>7</sup> he was in effect upholding the principle that oratory is a tool designed to point the listeners in a direction which might conceivably prove beneficial to them. This explains the fact that when Hilliard spoke he endeavored to persuade.

Out of the stream of political thought which surged forward during the decades preceding the Civil War, Hilliard sifted three ideas which, to him, surpassed all others in importance. The preservation of the American

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<sup>7</sup> Hilliard, Address delivered before the Erosophic Society.

Union, the protection of Southern rights, and an adherence to the Constitution were questions, he believed, which affected not only the United States but the entire Christian world. These three tenets, comprising a simple unity, constitute the core of Hilliard's political philosophy. With equal vigor he contended on one hand that the Union must be perpetuated, and on the other that the rights of the South must be upheld. "He knew that slavery was doomed, and that the South was buffeting the waves of advancing progress and civilization," states Mellen, "and that it remained for her to get the best terms possible under the constitutional guarantees."<sup>8</sup>

As the North and the South jockeyed for power in the 1840's and 1850's Hilliard came to believe that his first two premises were subordinate to the third. Unionism and Southern rights, he argued in Congress and on the stump, could not be pushed beyond the limits of the Constitution. He thus fought the secessionists and the abolitionists, both of whom held that there was a moral law which transcended the Constitution. That Hilliard was content to draw his basic arguments from the significant, but somewhat general, document written by the founding fathers seems clear. To the Constitution could

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<sup>8</sup> Mellen, "Henry W. Hilliard and William L. Yancey," loc. cit., 37.

be traced his faith in compromise, his belief in state rights, his defense of slavery, his support of the Unionist party in 1860, and, significantly enough, his loyalty to the Confederacy.

Hilliard's use of forms of proof to substantiate the above arguments doubtless played an important part in his rhetorical effectiveness. Almost every discourse contained a happy blending of ethical, logical, and emotional appeals. The emphasis which he placed upon each type, of course, depended largely upon the nature of the subject, the audience, and the occasion.

The term ethical proof is used broadly to cover not only the speaker's attempts to establish himself as a man of good character, intellectual honesty, intelligence, authority, poise, and good will, but also his life and record. The ethos which stems from a speaker's experience and qualifications is, to a certain extent, a persuasive force which precedes the orator to the platform. Admittedly, what a speaker is and what he knows, if revealed to the audience beforehand, tends to affect the reception of the address. The second phase of ethical proof consists of deliberate attempts by the speaker to win acceptance of his ideas through the force of his personality, character, and intellect.

A close analysis of Hilliard's life and speeches

indicates that he recognized the primacy of ethical proof. In his novel, De Vane: a story of plebeians and patricians, he accepted Cicero's and Quintilian's concept that an orator must be a good man.<sup>9</sup> That Hilliard himself fulfilled this requirement seems evident. At no time, he conscientiously told his congressional audience in 1850, had he deviated from the tenets of the Christian faith.<sup>10</sup> Nor did he change in the years that followed. The Atlanta Constitution observed in 1892 that "his life has exemplified the beauty of religion, as well as adorned the arena of statesmanship."<sup>11</sup>

Hilliard, moreover, possessed the essential trait of sincerity. Whenever he accepted office, states Du Bose, he used the office to carry out the principles which he had propounded in the canvasses.<sup>12</sup> But, it should be noted, his constant support of compromise measures, and his extreme vacillation in party loyalty caused the opposition to question his integrity. Despite his high praise for Hilliard's rhetorical ability and influence,

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<sup>9</sup>Hilliard, De Vane: a story of plebeians and patricians, I, 185.

<sup>10</sup>Cong. Globe, 31st Cong., 1st Sess., 486.

<sup>11</sup>Atlanta Constitution, December 18, 1892.

<sup>12</sup>Du Bose, The Life and Times of William L. Yancey, I, 187.

Richardson noted:

Hilliard was a Whig, Hilliard was a Democrat, Hilliard was a Know-nothing, Hilliard was states' rights, Hilliard was sectional, Hilliard was national, Hilliard was proslavery, Hilliard was antislavery-- how could he be consistent, how could he be steadfast? A lofty ambition plucked him on, paltry scruples plucked him back--assign him a place if you can.<sup>13</sup>

Hilliard himself confessed to his friend Benjamin Gardner that his support of the Buchanan administration "was the greatest mistake of his life."<sup>14</sup>

That Hilliard's wavering in party affiliation was due more to faulty political judgment than to instability of purpose, is clearly indicated in his speeches. The principles which constituted his philosophy when he was a Whig were essentially the same as those which he upheld as a member of the Democratic and the Constitutional Unionist party. The variations which occur in his public utterances are differences of emphasis and adaptation, rather than of ideas. In short, while Hilliard sometimes lacked sound judgment in the sphere of practical politics, he rarely, if ever, displayed inconsistency in the support of his cardinal premises.

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<sup>13</sup>Richardson, "Hilliard and Yancey--A Parallel."

<sup>14</sup>Benjamin Gardner to Miss Toccoa Cozart, April 7, 1901, Hilliard Papers, Alabama State Department of Archives and History.

Closely related to Hilliard's stress upon a well-ordered life was his conviction that a speaker must feel with the heart the subject which he discusses. There can be no true eloquence, he said in his eulogy on Webster, "which is the work of the head; the heart must originate it, or it has no greatness at all."<sup>15</sup> In applying this principle to the rhetoric of Clay, Hilliard, in his eulogy on the Kentuckian, praised the Senator's deep sensibility. Since Hilliard himself was "thoroughly conscientious," states Du Bois, he experienced the emotions which he hoped to arouse in the audience.<sup>16</sup> He thus spoke from the heart as well as the head.

Not only is the ethos of a speaker dependent upon a well disciplined life and intellectual sincerity, thought Hilliard, but also upon a refinement of taste. In support of this principle, he maintained in his speech on Webster that much of the great orator's strength stemmed from his acquaintance with classical literature. Such knowledge, asserted Hilliard, "fertilizes the mind to an extraordinary degree, and never fails to purify and elevate the

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<sup>15</sup>"Daniel Webster--His Genius and Character," in Hilliard, Speeches and Addresses, 462.

<sup>16</sup>Du Bois, The Life and Times of William L. Yancey, I, 262.

tastes."<sup>17</sup> But, if this training contributed to Webster's rhetorical effectiveness, it perhaps aided Hilliard even more. From his early days at South Carolina College to the end of his life, he avidly read the classics. His constant companions were Demosthenes and Cicero. Nor was his study limited to the speeches of the great orators. He assiduously studied the works of the leading ancient historians, philosophers, dramatists, and poets. Coupled with this knowledge was an equally strong insight into the writings and teachings of the most celebrated English authors.

With such a background Hilliard naturally spiced his addresses with a decided historical and literary flavor. Equally important, however, was the fact that classical training gave to him a cultural bearing which widened his sphere of influence. A man of taste, he numbered among his close friends, John Quincy Adams, Nathan Appleton, Edward Everett, William C. Prescott, George Ticknor, and Henry W. Longfellow. "In the most select social circles from Boston to New Orleans," observed Du Bois, Hilliard "was an ornament."<sup>18</sup>

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<sup>17</sup>"Daniel Webster--His Genius and Character," in Hilliard, Speeches and Addresses, 469.

<sup>18</sup>Du Bois, The Life and Times of William L. Yancey, I, 186.

Hilliard, furthermore, made conscious efforts within the speaking situation to establish his own authority and character, and to conciliate his listeners. The following excerpts taken from a group of typical addresses serve to illustrate the technique which he used in setting forth his own intellectual and moral integrity.

I shall enter into no movement of a merely party character.<sup>19</sup>

I am not, in a factious spirit, about to inquire whether the President has transcended his authority. I have a loftier purpose. . . . I shall speak to this question in a spirit of fairness.<sup>20</sup>

A question of greater magnitude has not come up in our time; and in addressing myself to it, I shall endeavor, so far as may be proper, to lose sight of my allegiance to party or section; I shall hope to treat it as a great American question.<sup>21</sup>

A calmer man never addressed him than the one who now rises to speak upon this topic.<sup>22</sup>

A splendid reputation that honors the country, to say the least of it--a splendid reputation, that throws its lustre about the American name--the golden orb of which is already setting beneath the horizon of time, is an object too much admired by me, at least, to be willing to see a single speck placed upon it by any malignant hand.<sup>23</sup>

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<sup>19</sup>"The Oregon Question," Cong. Globe and Appendix, 29th Cong., 1st Sess., 114.

<sup>20</sup>"The War with Mexico," ibid., 2nd Sess., 227.

<sup>21</sup>"Governments for the New Territories--The North and the South," ibid., 30th Cong., 2nd Sess., 103.

<sup>22</sup>"Slavery and the Union," ibid., 31st Cong., 1st Sess., 33.

<sup>23</sup>"Vindication of Daniel Webster," ibid., 2nd Sess., 687.

A slight variation of the above approach can be seen in Hilliard's method of correlating his views with those of recognized authorities. Often he would say, for example, something to this effect: "If I am wrong in this Mr. Johnson is wrong; if I am wrong in that Mr. Clayton is wrong."<sup>24</sup> "This amiable weakness," observed the Eufaula Democrat, "makes Mr. Hilliard . . . a very pleasant gentleman; it polishes his manners . . . ; it softens the tone of his voice; it makes him a great favorite with the ladies."<sup>25</sup>

The strength of Hilliard's ethical appeal, however, was not altogether the result of his adeptness in describing his feelings with the spoken word. Perhaps both consciously and unconsciously he exhibited through his bodily activity, eye contact, facial expressions, tone of voice, and general platform manner a good emotional state. Always confident and poised, he generally maintained a good attitude toward himself and toward others.<sup>26</sup> In one respect, however, Hilliard, as has been noted, was

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<sup>24</sup>Eufaula Democrat, May 15, 1849.

<sup>25</sup>Ibid.

<sup>26</sup>Hilliard was often described as being "self possessed." See Montgomery Advertiser, July 24, 1855, and December 25, 1892; Atlanta Journal, December 19, 1892; Richardson, "Hilliard and Yancey--A Parallel."

deficient. He had an "uncontrollable love of applause"<sup>27</sup>--a fault which could be detected by the discerning hearer. Whenever his speeches failed to win applause he could not conceal a damped spirit. When enthusiasm greeted his performances, he responded with an equal warmth. It is not surprising, therefore, that he required "an occasion to arouse him to his best efforts."<sup>28</sup>

While it is difficult to determine accurately the persuasive effect of Hilliard's ethical proof, a safe assumption is that it materially aided the speaker in his political addresses. Had he not possessed a high degree of moral and intellectual strength and the ability to adapt these traits to the audience, the force of his arguments would have been substantially reduced.

Hilliard's use of logical proof was likewise effective. Rarely employing the syllogism, he worked mainly through examples, quotations, comparisons, generalizations, and lines of reasoning from cause to effect, and effect to cause. Of these types of support, the argument from authority predominates. Again and again the papers of The Federalist, the Constitution, the

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<sup>27</sup> Eufaula Democrat, May 15, 1849. For a similar view see Smith, Reminiscences of a Long Life, I, 217.

<sup>28</sup> American Review, X (December, 1849), 620.

founding fathers, and Edmund Burke were called to the witness stand to corroborate a point which Hilliard wished to make. Similarly, he took to the platform documented accounts of speeches which he hoped to refute. Through this eclectic method of assembling examples, comparisons, and quotations to substantiate his views, Hilliard not only increased the force of his arguments but the color of his style. The following chart, based upon a typical Hilliard speech,<sup>29</sup> will suffice to show the extent to which he relied upon history and literature as a means of developing his logical proof:

Allusions

References to Ancient History

1. Analogy to Roman Empire
2. Analogy to Government of Greece
3. Reference to Gustavus Adolphus
4. Reference to leadership of Alexander the Great and Caesar
5. Cicero's speech against Verres

Quotations from the Old Testament

Quotations from English Literature

1. Poem by Archbishop Cranmer
2. Poem by Pope
3. Ode by Sir William Jones
4. Shakespeare's Hamlet
5. Shakespeare's King Lear
6. Lord Mansfield on popularity
7. One of Burke's letters on regicide peace

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<sup>29</sup>"The American Government," in Hilliard, Speeches and Addresses, 357-382.

8. Line from Berkeley's verse on "time"
9. Statement by Prince James

#### Allusions to American History

1. Columbus' voyage to America
2. The crossing of the Mayflower
3. Analysis of Washington
4. Franklin's request for prayer at the Constitutional Convention
5. Hamilton on state rights
6. Grimke of South Carolina on the importance of the New Testament
7. Tenth Article of the Constitution

#### Unidentified quotations from Literature

If such a method--as in Hilliard's "American Government" speech in which twenty-seven references and allusions to history, the Bible, and literature were made--was not characterized by originality of thought and elaborate arguments, it had the saving merit of simplicity and force which evidence and tradition bring.

Arguments from cause to effect and effect to cause were also an integral part of Hilliard's logical appeal. Throughout the campaign of 1860 he prophesied that the election of a Black Republican (cause) would lead to the dissolution of the Union (effect). Moreover, he never failed to remind his hearers in the North that the state of uneasiness in the South (effect) was a natural result of the abolitionist crusade (cause).

The public utterances of Hilliard show clearly, then, that while he understood the principles of logic, he

nevertheless chose to avoid long chains of reasoning and syllogisms. His poetical temperament, reenforced by his interest in scholarship, led him to a constant use of analogies and historical testimony. This fact prompted the Eufaula Democrat to remark in 1849:

It is a pity Congress does not employ him to make 4th of July speeches. He seems to think it is his duty whenever he addresses his constituents to refresh their recollections of Yorktown and Saratoga, Bunker Hill and Bataw; and since the war with Mexico, he gives splendid descriptions of Monterey and Buena Vista, Cerro Gordo and the battle of the city of Mexico. We in the district have no need of an American historian. Even the flowery pages of Weems would seem tame and dull to him who has listened to the glowing eloquence of Mr. Hilliard.<sup>30</sup>

By utilizing convincing historical evidence, Hilliard placed his speeches upon a strong logical basis.

Notwithstanding the fact that he generally used logical proof with effect, Hilliard sometimes offered inadequate solutions to the problem which he outlined. He thoroughly understood the issues and had a "prescience of statesmanship"<sup>31</sup> which enabled him to predict the course of future events; yet he often erred in finding the appropriate means to satisfy the need. His role in the 1860 campaign, for example, was significant. Aware

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<sup>30</sup>Eufaula Democrat, May 15, 1849.

<sup>31</sup>Mellen, "Henry W. Hilliard and William L. Yancey," loc. cit., 37.

of the danger which threatened the Union, he eloquently warned his Northern and Southern audiences to turn back the Republican crusade. Despite this accurate analysis of the crucial political questions confronting the Union, he looked to the inept Constitutional Unionist party as the remedy for the country's ills.

Not content to rely entirely upon the force of his character and the logic of his argument, Hilliard often attempted to arouse the emotions of his auditors. The issues, the audience, the occasion, and the temperament of the speaker account for his frequent and effective use of this form of proof. <sup>v</sup> The principal drives to which he appealed most often were self-preservation, altruism, and the status quo. The first of these impelling motives --self preservation--was the basis of Hilliard's strong attachment to the Union. Aware of the dire consequences which would follow the destruction of the national government, he felt it was his duty to preach the doctrine of unionism. The waving American flag, as it could be seen on foreign soil, was eulogized repeatedly as a symbol of America's strength at home and prestige abroad. This tribute, however, was often not an end in itself. His purpose was to prepare the audience for a motivating plea based upon fear--a plea depicting the suffering which would take place when the flag no longer floated over a

united America. Speaking in Boston in 1860, Hilliard, after reminding his audience that he had seen the symbol of his country waving in foreign lands, said: "What a glorious piece of bunting it was. Let the enemies of that flag at the North and the South be cut down; let it stream forever as the flag of these United States."<sup>32</sup>

Hilliard furthermore appealed to the self preservation drive in his discussion of property. In his stump orations he told the farmers and plantation owners of the South that they could not afford to take action which might result in the loss of the national market for cotton. More specifically, they could not reopen the African slave trade, nor follow a policy of secession. Hilliard likewise insisted in telling the mechanics, business men, and manufacturers of the North that their economic stability depended upon the preservation of a conservative national government.

The appeal to the drive of altruism was also an important instrument of psychological proof. An itinerant preacher as well as a statesman, Hilliard was prompted in almost every public address to arouse the nobler sentiments of his audience. Following the Mexican War, for example, he recommended a lenient treaty of peace. Similarly, he

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<sup>32</sup>Boston Daily Courier, October 26, 1860.

asked Congress to show a spirit of tolerance toward the Pope in 1848, and toward the American Indians in 1851. Particularly important, furthermore, was his constant plea for justice with respect to Southern rights. All that the South asked for, he said in Congress and in the North, was fair play. During the discussion on the crucial question relating to the admission of California, Hilliard declared:

Deal with us justly, meet us in the spirit which animated the men who sat side by side in the convention which established the Constitution under which we live; recognize us as a kindred people; admit our claims to full participation in the benefits of a common government; legislate for this whole country as your country in all its amplitude, and you will find us ready to go on with you in the great future which opens before us, prepared to share your fortunes, for good or for evil, through all the vicissitudes which it may bring.<sup>33</sup>

Perhaps the basic drive which Hilliard utilized most was that of the status quo. A conservative throughout his life, he resisted the efforts of the leading protagonists of change--the secessionists and the abolitionists. He repeatedly played upon the theme of security which, he argued, could be found only in the status quo. Typical of the appeals which he employed in encouraging his audience to stand by the present system is the following passage in opposition to reopening the African slave trade:

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<sup>33</sup>Cong. Globe, 31st Cong., 1st Sess., 361.

But it is wiser to stand where we are--to agitate the subject of repeal is to present a question which will array us against each other at home, and weaken us in the face of the enemies of our institutions.

. . . Today we enjoy the highest prosperity; a more attractive picture of peaceful industry--of happy homes--of refinement--of cultivation--of abounding wealth--of all that constitutes the noblest civilization, was never afforded in the unfolding cycles of human progress, from the time when upon the plains of the East, Society first appeared, running through the golden ages of the world till now--than that which the Southern States present, and we trust that nothing will occur to cloud its glory.<sup>34</sup>

Despite his conservative nature, Hilliard on occasion used the impelling drive of change. For the most part, however, the change represented nothing more than a return to the status quo. He stumped the country for Henry Harrison and Zachary Taylor, for example, not only because they were Whig candidates for the presidency, but because they, in Hilliard's opinion, represented a return to the constitutional form of government which Andrew Jackson and James K. Polk had forsaken.

Emotional proof not related to motivation appears much less frequently in Hilliard's orations. When he aroused feelings of fear, love, anger, indignation, mildness, benevolence, emulation, or pity, he usually did so in connection with the basic drives. Appeals to fear and indignation, for instance, were subordinated to the drive of self preservation. Appeals to mildness, benevolence,

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<sup>34</sup>Hilliard, Spirit of Liberty, 25-26.

pity, and love, on the other hand, were presented for the purpose of stimulating the altruistic spirit of the audience. A combination of these emotions was used in conjunction with the advocacy of the status quo.

Understanding the psychological principles of persuasion, Hilliard effectively employed pathetic proof to reenforce the strength of his three basic arguments: the preservation of the Union, of Southern rights, and of the Constitution. If he relied more upon the impelling motives than upon other forms of emotional proof, it was because he viewed his political speeches as attempts to motivate.

That Hilliard adapted his ethical, logical, and \* pathetic proofs to suit his particular audience is clearly evident from a study of his speeches. The addresses delivered in Congress and in the free states, for instance, followed a strong aggressive-defensive policy. Because of his acknowledged support of the Union and the Constitution, he felt safe in taking a bold Southern rights stand when speaking to the people of the North. The emphasis of the addresses presented to Alabamians and to Southerners in general, on the other hand, was on moderation. Likewise Hilliard's method was to speak aggressively in Congress and in the North so that he could in turn speak soothingly in the slave states.

Not only did Hilliard adapt his arguments to the North and the South as a whole, but he did so in the individual states and sections within a state. When speaking in New York in 1860, for example, he tied in his appeals with the political conditions of that state. Seward rather than Lincoln, therefore, received the brunt of his attack. Breckinridge and Douglas, moreover, were praised since it was the desire of the conservatives to establish a fusionist ticket. Another case in point occurred in the campaign of 1856. Hilliard's forms of proof in the unionist stronghold of North Alabama differed in degree if not in kind from those employed in the Black Belt region.

Nor did Hilliard forget the ladies who crowded the balcony to hear him speak. Always aware of their presence and flattered by the attention they gave him, Hilliard strove to include them in his discussion. Often he concluded his address with a gracious appeal to the ladies to pray that right and justice might prevail.

Notwithstanding the fact that Hilliard's method of adaptation was effective, he sometimes erred in over-estimating his listener's grasp of the literary and historical analogy. One writer recalled a speech in which Hilliard "compared Mr. Yancey to Achilles 'sulking in his tent,' when he should have been at the head of the Greek

host which was beleaguering Troy," and in which he "recited a few lines from Pope's Homer."<sup>35</sup> Said the critic: "I am sure that half his audience had never heard of Achilles, and did not understand the application of Pope's verses."<sup>36</sup> This criticism is perhaps overdrawn, but it is significant in showing that Hilliard's classical allusions sometimes missed their mark.

The same care which Hilliard displayed in selecting his basic speech premises and arguments was also evident in his use of the second part of rhetoric--arrangement. Despite the fact that time often prevented extensive preparation, he rarely failed to organize his ideas in a succinct manner. As a general rule, the introduction of each address prepared the audience for the discussion that was to follow, the body set forth the arguments, and the conclusion contained appeals for action. The finished product was characterized, therefore, by a high degree of unity.

Whether or not Hilliard used a detailed introduction depended upon the nature of the subject, the audience, and the occasion. In his congressional speeches, for example, he usually came to the point under discussion with a

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<sup>35</sup>Montgomery Advertiser, December 25, 1892.

<sup>36</sup>Ibid.

minimum of preparatory remarks. A similar pattern was followed in his Alabama stump orations. Far more elaborate were the introductions of his speeches in the North and his special occasional addresses. The common ground technique along with such other conciliatory devices were often used to mark the beginning of his Northern discourses.\* Consider the opening remarks, for example, which appear in his speech "On American Industry" delivered in New York in October, 1850:

I come to you from a distant state--a state known to you mainly, so far, by its agriculture, yet not wanting in mineral resources, and already engaged successfully in manufactures. But, coming from that state to this emporium of commerce--the city which has already outstripped every city on the Continent of Europe, and which is destined soon to rival the great metropolis of England itself--coming to this city, I feel there are some considerations which bind us together in common sympathy.

I can, on the present occasion, when there is so much all around you to interest you, advert to but one or two of these considerations. The first of these is, that we belong to the same country; we are all Americans; we are all citizens of one government. I come from a state washed by the waters of the Gulf of Mexico, and I am now in a city belonging to a great state washed by the St. Lawrence, and stand this evening in a building against which the waves of New York Bay break; yet the broad expanse which stretches between New York and Alabama, between your home and my home, is our common country. Every part of it--every plain, and mountain, and stream, and village, and city, all belong to us; and over the whole extent of it, the same great and beneficent political system spreads its majestic proportions.<sup>37</sup>

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<sup>37</sup>"American Industry," in Hilliard, Speeches and Addresses, 348-349.

A favorite type of approach employed by Hilliard in his speeches on special occasions was an example drawn from history and literature. The opening references taken from three typical addresses illustrate this method. He alluded to Mark Antony in his eulogy on Harrison, to Pericles in his speech on Clay, and to Xerxes in his Commencement Address at the University of Virginia.

The manner in which Hilliard closed his addresses was influenced by the fact that his chief purpose in speaking was to actuate. Formal summaries were rare in his speeches to convince. Desirous to end on a high note of persuasion, he concluded frequently with an appeal to one or more of the basic drives. The following passage drawn from his speech on The Spirit of Liberty is indicative of the stimulating value of Hilliard's closing pleas:

Virginia yet leads the way in the path of empire; she led our armies in the revolution; she ruled the republic in its days of peril and doubt; and she still asserts her dominion over us through this University! So long as she rules by the arts which she has heretofore employed; so long as she keeps enshrined in her own heart, the spirit of Liberty; we will yield her willing homage, and greet her by the title which she pre-eminently merits--the proudest title ever given to any State--that of the greatest of Free Commonwealths!<sup>38</sup>

Such a conclusion, containing a blend of ethical and emotional appeals, doubtless impressed upon the minds of

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<sup>38</sup>Hilliard, The Spirit of Liberty, 33.

the audience the central theme of the discourse--liberty.

In organizing the body of his speeches Hilliard used the common types of idea sequence: chronological, topical or selective, and logical. Not infrequently these methods were combined within a given discourse. In such cases the main ideas followed a sequence order, but the points were selectively chosen and logically developed. The past was analyzed for the purpose of interpreting the present, and the present, in turn, was examined as a means of predicting the course of future events. As Hilliard moved from one point to another in his outline, he took care through transitions and summaries to keep clearly before his listener and reader the immediate topic under consideration.

An outline of one of Hilliard's typical congressional speeches follows.<sup>39</sup> Although the material, for the most part, is presented as it occurs in the address, some of the statements are paraphrased.

#### INTRODUCTION

- I. "Some days since we had a message from the President transmitting the treaty lately concluded with Mexico. That message was unworthy of the high source from which it

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<sup>39</sup>"Review of the Policy of President Polk," Cong. Globe and Appendix, 30th Cong., 1st Sess., 938-943.

came; it wanted dignity; it was totally destitute of that elevation of sentiment which ought to characterize such a state paper. It was written in a boastful spirit, and proclaimed the success of our policy, without a single allusion to the calamities of war, or a passing tribute to the courage and patriotism of the dead who fell under the flag of our country, or to the living who brought it back in triumph. . . . In the very spirit of a hard dealer, he boasts of the advantages which he has won, by tearing from a feeble neighbor some of her finest territories, and adding them to our own possessions.

II. "In commenting on the message, I shall observe the same order of subjects as is observable in the document itself. It treats of the past, it exhibits the present, and it invites us to look at the future. I shall pursue the same order."

#### DISCUSSION

I. "What was the condition of the country when the administration came into power?"

A. The financial status of the nation was strong.

1. "We were almost free of debt."
2. "Public credit, which was drooping, was fully re-established, and every great interest in the country was in a high state of prosperity."

B. "Our relations with the whole world were pacific."

1. There were no grave threats to peace.
2. Texas and Oregon "became prominent only because of the manner in which they were treated by Mr. Polk's administration."

II. What have been the results of Polk's foreign policy?

A. We are now burdened with a public debt totalling 150 million dollars.

B. Slavery agitation resulting from the Mexican War threatens to divide the Union.

1. "The territory which we have acquired belongs to the people of the whole country, spread throughout its thirty states; yet, in the organization of territorial governments, it is sought

by one portion of the people to secure the whole advantage of our new acquisitions to their exclusive benefit."

2. If tranquillity is to be restored, legislators must understand the true authority of Congress over the territories.
  - a) "Congress possesses exclusive power to legislate for the territories of the United States."
  - b) "While Congress possesses the exclusive power to legislate, that power is by no means an unlimited one."
  - c) "Congress is not, in its legislation for the Territories, to look to their welfare alone, but is bound to regard the good of the parties interested in the ownership of the Territories."
3. The true solution to the problem is the restoration of the Missouri Compromise line to the Pacific Ocean.

### III. The Whigs, if elected, will abide by the great principles which are essential to liberty.

- A. Unlike the Democrats under the leadership of Polk, the Whigs are opposed to the reckless use of the veto power.
  1. "Patrick Henry's opposition to the executive feature of our political system" seems sound in light of Polk's willingness to usurp authority.
  2. Alexander Hamilton argued that the veto power was designed to be used as a defensive, rather than an aggressive measure.
  3. Judge Story, in his Commentaries on the Constitution, agrees with Hamilton's position.
  4. Burke pointed out that the veto power, which could often operate to the disadvantage of the people, had not been used in Great Britain since 1692.
- B. "The Democratic party is committed to a policy which leads to aggression, war and conquest, while the Whigs desire to preserve peace with all the world, to stimulate the industry, and to develop the resources of the country."

1. The Whigs do not feel that it is necessary to go to war in order to extend the territory or increase the wealth and power of the United States.
2. Cass embodies the principles of war; Taylor, the principles of peace.

#### CONCLUSION

"It is a glorious spectacle to see such a man as Taylor called to administer the government: he rises far above party; he looks into the open Constitution for his guide. Men of all creeds welcome him, and invoke God's blessing upon his task. With a slight change of words, we may apply to him the celebrated prophecy which hailed the advent of a British sovereign whose reign opened under auspices promising to advance the glory and prosperity of the realm:

"In his days every man shall eat in safety  
Under his own vine what he plants, and sing  
The merry songs of peace to all his  
neighbors."

Hilliard's speeches, it may be said in summary, were generally characterized by a unity which comes from singleness of purpose, a clarity which stems from a small number of main ideas (usually three or four) properly arranged, and a coherence which results from a judicious use of transitions and connecting links.

The force of Hilliard's arguments was enhanced not only by an effective organization but also by the clear, simple, and picturesque language in which his ideas were clothed. He achieved simplicity through word choice and arrangement. Despite his love of the classics and his knowledge of Latin, he leaned heavily upon short, simple

words. The following passage which occurs in his speech on "Review of the Policy of President Polk" illustrates this practice:

It is high time to appeal to the patriotism of the country--to call on the people to save this glorious structure reared by the men of the Revolution; for we can not be insensible to the responsibility of our position; all the past appeals to us--voices from the battlefields where liberty struck, from the senate chambers where liberty spoke, call on us to be faithful to our great trust; and those who are to come after us seem to press into our presence with silent but beseeching faces, and implore us to save our country in this crisis. If we ever intend to rescue the country from the perils which invest it, we ought to do it now.<sup>40</sup>

This paragraph, typical of Hilliard's congressional speeches and stump orations, contains a large percentage of one syllable words. Out of a total of 120 words, two-thirds are made up of four letters or less.

The sentence structure of Hilliard's addresses, as might be expected, varied with the topic and the occasion. Loose sentences, for example, abound in his deliberative orations, while periodic structures--consciously developed--were freely used in his special occasional addresses.

In contrast to the short, curt style of most twentieth century orators, Hilliard's periods are often lengthy. A detailed study of seven congressional speeches reveals that the average length of the sentences ranges

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<sup>40</sup>Ibid., 940.

from twenty-three to thirty words.<sup>41</sup> This average is considerably higher in the printed epideictic addresses.<sup>42</sup> Notwithstanding the lengthy nature of the periods, they were seldom awkward. Nor were they at any time nebulous in meaning. In short, the words fit nicely together and the pauses are natural.<sup>43</sup> The language thus exhibits an excellent oral quality. The following passage, in praise of Webster's "Second Reply to Hayne," typifies Hilliard's preference for long, but clear sentences which "listen well":

Never to the people of Athens, nor to the Senate of Rome, nor to the British Parliament, were nobler words addressed. That speech will stand when the walls of the Capitol in which it was uttered have crumbled into dust, when the granite column on Bunker Hill is leveled by time, and when these proud states may no longer constitute a great confederacy. The sentiment with which that speech closes is the sentiment of the American people; they have learned it by heart; future generations will utter it with glowing patriotism and irrepressible enthusiasm; and every where throughout the wide-spread borders of the republic the great popular cry will be, in all times when liberty is in danger or the Union threatened with disruption, "Liberty and Union; now and forever, one and inseparable."<sup>44</sup>

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<sup>41</sup>The median length is twenty-three, and the mean is 29.4.

<sup>42</sup>The average length of The Spirit of Liberty, for example, ranges from a median of thirty-one to a mean of forty words.

<sup>43</sup>One writer said of Hilliard's speeches: "Every word was fitted into its place with the utmost precision." Atlanta Journal, December 19, 1892.

<sup>44</sup>"Massachusetts and the Union," in Hilliard, Speeches and Addresses, 346-347.

Convinced that effective language control could not be achieved merely through simplicity of structure, Hilliard chose to color his style with ornamentation. Since, as he said in his speech on "The Life and Genius of Daniel Webster," "there can be no true eloquence which is not in some way allied to poetry,"<sup>45</sup> he himself repeatedly used figures of speech and thought drawn from nature. The fury of the sea and the grandeur and ruggedness of mountains were often invoked to give emphasis and sublimity to his ideas. Courageous statesmen, he said in his address on "The American Government," "are like islands in great streams, covered for a time with mire and the confused deposit of the turbid waters; this only serves to increase their fertility. . . ."<sup>46</sup> His reliance upon the sea as a source for his figures can also be seen in the following excerpt taken from a congressional speech:

The tide has been rising higher and higher, until, sir, we begin to feel the spray breaking over the very embankments which surround us. Our moral condition at the South resembles the physical condition of Holland, where dikes, thrown up by the ingenuity of man, hardly protect the habitations of man against the incursions of the sea.<sup>47</sup>

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<sup>45</sup>"Daniel Webster--His Genius and Character," ibid., 462.

<sup>46</sup>"The American Government," ibid., 370.

<sup>47</sup>Cong. Globe and Appendix, 30th Cong., 2nd Sess., 105.

Other forms of nature, too, provided a source from which Hilliard could draw his analogies. To show that the Union was in grave peril, he noted in his speech on the admission of California that "The events of an hour may destroy the noblest fabrics. The oak, through whose branches the tempest has swept for a century, yields up its strength to a single flash of the lightning."<sup>48</sup>

On occasion Hilliard's similes and metaphors took the form of pungent sarcasm. For the most part, this figure of thought was held in reserve to be used only when circumstances demanded it. When called forth, however, it had a devastating effect. The American Review observed in 1849:

He [Hilliard] ever deals justly and liberally with an opponent. But when provoked by any low or unfair attack his sarcasm is irresistible. Keen as the blade of Saladin, it cuts to the quick or leaves excoriations that smart through life. In his wielding it is a fearful weapon, never used unless deserved, but when used scathing to an unmeasured degree.<sup>49</sup>

Two instances clearly show how Hilliard used sarcasm to strike back at his opponents. At one appointment in the campaign of 1851, he alluded to the action of Yancey's friends who carried a canon from place to place and fired

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<sup>48</sup> Cong. Globe, 31st Cong., 1st Sess., 361.

<sup>49</sup> American Review, X (December, 1849), 620. For a similar view see the Montgomery Advertiser, July 24, 1855.

it in order to disturb Hilliard. Said he: "Mr. Yancey and the gun are alike. The gun is big, and so is Mr. Yancey; but I am not afraid of either, as they both fire blank cartridges."<sup>50</sup> The second instance occurred at a banquet celebrating the victory of James Pugh in 1849. In his speech Hilliard likened the efforts of his opponents to a game of cards, saying "The best trump of my adversaries was reserved for the last, and lo! it turned up a knave."<sup>51</sup>

Those who heard Hilliard speak liked his style. One contemporary described his diction as "classic, facile and fervent";<sup>52</sup> another called it "rich and glowing."<sup>53</sup> Commenting on Hilliard's stump orations in the congressional campaign of 1849, the American Review observed: "Many of his speeches, during his late canvass, in grandeur of style, indignant declamation, wit, and burning sarcasm, would have earned him distinction among the first orators of any day or country."<sup>54</sup> Most observers agreed with the

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<sup>50</sup>Mellen, "Henry W. Hilliard and William L. Yancey," loc. cit., 48.

<sup>51</sup>Montgomery Alabama Daily Journal, August 15, 1849.

<sup>52</sup>Atlanta Constitution, December 18, 1892.

<sup>53</sup>Eufaula Democrat, May 15, 1849.

<sup>54</sup>American Review, X (December, 1849), 620.

following sentiments expressed by the Montgomery Advertiser on Hilliard in 1855: "He is a very persuasive speaker, charming you by the elegance of his diction, the easy, uninterrupted flow of well constructed sentences, and the aptness and beauty of his metaphors."<sup>55</sup> This statement, coming from the opposition press, points up clearly Hilliard's ability to use an impressive style.

What conclusions may be drawn concerning Hilliard's method of speech preparation and delivery? Evidence here is not nearly so extensive as that which relates to the content, organization, and style of his addresses. In fact, there are no extant reports of the steps which he followed in composing his speeches. Unfortunately, Hilliard is scarcely on record as to his own methods.

From his conversations with those who often listened to Hilliard's stump orations, Peter A. Brannon, Military Archivist of the Alabama State Department of Archives and History, concludes that Hilliard consistently employed the extemporaneous method of delivery.<sup>56</sup> With meticulous care he prepared his speeches in advance, but the material and its arrangement was sufficiently fluid to enable him to

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<sup>55</sup>Montgomery Advertiser, July 24, 1855.

<sup>56</sup>Information given the writer, June 11, 1952, at Montgomery, in interview with Peter A. Brannon.

speak from notes rather than from a manuscript.<sup>57</sup> Thus, his addressees were not "the meditations of the closet reproduced on the platform."<sup>58</sup> Indeed, no other method would have been suitable to the oratory-loving people of Alabama. They wanted to study the speaker--his facial expressions, his voice, his bodily activity, and his mental agility. He who could not speak extemporaneously, therefore, doubtless failed to impress the Alabama audience.

Hilliard's preference for the extempore method, reenforced by his mental faculties and comprehensive knowledge, made him particularly effective in debate. He could think rapidly on his feet, and he knew how to defend and attack. In one of the early joint discussions of the 1849 Congressional campaign, his opponent, James Pugh, succeeded in putting him on the defensive. A member of that audience declared that Hilliard's retorts were so poignant that they elicited rounds of applause.<sup>59</sup>

A more interesting account of Hilliard's ability to offset the apparent advantage of an opponent is given by William R. Smith. During the canvass of 1851, Yancey consistently used the term "God of Battles" with telling

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<sup>57</sup> Ibid.

<sup>58</sup> Montgomery Advertiser, December 18, 1892.

<sup>59</sup> Garrett, Reminiscences of Public Men in Alabama, 97.

effect. Obviously annoyed at the favorable reaction which this phrase produced, Hilliard decided to turn the tables on his adversary. For several minutes he showed that the true God was a lover of peace and good will rather than war. He then concluded that Yancey's God was an impostor God. The audience vigorously applauded. At the end of the speech Yancey turned to Hilliard and said: "Well . . . you've got me this time. I congratulate you."<sup>60</sup>

That Hilliard made an impressive appearance as he delivered his addresses is indicated by the comments of his contemporaries. The Eufaula Democrat said in 1849 that the forty-nine year old orator was a "lean, tall and slender" man who stood "near six feet high."<sup>61</sup> His complexion was dark, "his temperament bilious." With a "quick and restless eye" he had a forehead which retreated rapidly on a head that was small.<sup>62</sup> Through the eyes of a writer for the Birmingham Age Herald, Hilliard appeared to be a "tall, lithe, graceful, handsome man."<sup>63</sup> Similarly from the pen of William R. Smith came this description: "His appearance, at all times, in all places, was elegant,

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60 Smith, Reminiscences of a Long Life, I, 227.

61 Eufaula Democrat, May 15, 1849.

62 Ibid.

63 Birmingham Age Herald, December 18, 1892.

commanding, and courtly. He was a man to stand before the king."<sup>64</sup>

Not all those who heard Hilliard, however, cared for his meticulous dress and cultured manner. The Wetumpka State Guard, strongly opposed to the Whig philosophy, described Hilliard's appearance with a tinge of sarcasm:

Sure enough, the Parson ascended the stand, with his arms full of documents, with all the pomposity and self potence, rigged with glittering white Parisian vest, Bustamente sack coat, valparaiso pants, and a very neat and tasty faint red colored cravat, which when taken altogether give him the appearance of a Broadway dandy. . . .<sup>65</sup>

While this passage is too biased to give a fair view of Hilliard's platform appearance, it tends to show that, in keeping with his dignified character, he took the matter of dress seriously.

What part did Hilliard's voice control and bodily activity play in the projection of his ideas? According to contemporary comment he was gifted by nature with a voice suited to charm an audience. One of Hilliard's students at the University of Alabama tells of his frequent visits to his professor's office just to hear him read excerpts from famous literary passages. Describing the vivid impression which one of these oral interpretations produced,

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<sup>64</sup>Smith, Reminiscences of a Long Life, I, 219.

<sup>65</sup>Wetumpka State Guard, June 26, 1849.

he said:

The voice of the professor in reading this speech, seemed to come from the lowest depths of a desolate heart; the tones solemnly prayerful, the emphasis happily, softly, mournfully laid upon the beseeching words, "Speak to me," so that it seemed that the very soul, laden with doubt and energized by the last accents of despair, was pleading at the feet of Mercy. I learned in that lesson all the tones and accents of despair, hope and prayer. It was the voice of David, bewailing his iniquities, and beseeching forgiveness at the feet of almighty God.<sup>66</sup>

Those who heard Hilliard on the stump also liked the quality and the inflection of his voice. "The general effect of his oratory," observed the Newark Evening Journal in 1860, "is heightened by a voice highly cultivated and susceptible of indefinite and expressive modulation."<sup>67</sup> Eleven years before, another writer observed that "Mr. Hilliard speaks beautifully. The tones of his voice are so modulated as to please the most fastidious ear. . . ."<sup>68</sup> Similarly, Cole describes the attitude of other eyewitnesses who said it "was worth going the full length of the state to hear him pronounce the word 'Alabama.'"<sup>69</sup>

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<sup>66</sup>Smith, Reminiscences of a Long Life, I, 216.

<sup>67</sup>Newark Evening Journal, September 8, 1860.

<sup>68</sup>Eufaula Democrat, May 15, 1849.

<sup>69</sup>Cole, Whig Party in the South, 82.

Blessed with a "rich and musical" voice,<sup>70</sup> Hilliard seldom raised it above a pleasing conversational level. To stress a point he increased his volume slightly, but the natural carrying power of his voice obviated the need for speaking in loud tones.<sup>71</sup> This soft, easy manner presented a wide contrast to the fiery vehemence which colored the voice of Yancey, and that of numerous flamboyant orators of the ante-bellum South.<sup>72</sup>

Comments on Hilliard's bodily activity are sketchy. The evidence which is available, however, suggests rather convincingly that his bodily movement added significantly to his rhetorical effectiveness. "His gestures are easy and graceful," said the Eufaula Democrat.<sup>73</sup> The Newark Journal praised him for his "most energetic and graceful action."<sup>74</sup> There was little walking, no stamping of feet.<sup>75</sup> Standing erect, he nevertheless gestured freely

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<sup>70</sup>Atlanta Constitution, December 18, 1892.

<sup>71</sup>Information given the writer, June 11, 1952, at Montgomery, in interview with Peter A. Brannon.

<sup>72</sup>In view of the fact that there are no extant reports concerning Hilliard's rate of delivery, no definite conclusion can be reached concerning his use of this aspect of voice control.

<sup>73</sup>Eufaula Democrat, May 15, 1849.

<sup>74</sup>Newark Evening Journal, September 8, 1860.

<sup>75</sup>A close friend of Hilliard referred to him as "easy and elegant in his motion, with not a particle of affectation. . . . William Falconer, Bloom and Brier (Philadelphia, 1870), 83.

with his head. His head, said the State Guard in commenting on one of Hilliard's debates, "moved backwards and forwards as if a galvanic battery was against it, when he was scorching poor Pugh."<sup>76</sup>

\* Hilliard the orator, we may conclude, both knew and followed closely the rules of rhetoric. In his use of each of the four major parts--content, organization, style, and delivery--he generally demonstrated oratorical strength. His premises, always consistent with the Constitution, were substantiated with concrete data selected and arranged in a clear and forceful manner, and clothed in a simple and vivid language. These essential requirements, aided by a pleasing voice, graceful action, an impressive appearance, and an ability to improvise, elevated Hilliard to a place of distinction among the leading orators of America.

Essential to the foregoing study of Hilliard's rhetorical practice is the problem of authenticity of texts. The question which naturally arises in this connection is, How do the various reports of different speeches compare in content and style? The only sphere in which an accurate collation can be made is that of the congressional orations. The four chief sources of these speeches, delivered between 1845 and 1851, are the Congressional

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<sup>76</sup> Wetumpka State Guard, June 26, 1849.

Globe, the Washington National Intelligencer, Hilliard's Speeches and Addresses, and the pamphlets published by the Washington printer, Gideon and Brothers.<sup>77</sup> A detailed analysis of these four sources reveals that there are no real differences in content and organization. There are, however, slight variations in style--especially in punctuation. It seems evident that Hilliard, in revising his congressional speeches for publication, was, for the most part, content to make but minor grammatical changes in the report which was recorded in the Globe.

The second major category into which Hilliard's speechmaking falls--the special occasional addresses, political in nature--provides few positive clues concerning the nature of the revision which took place after each speech was delivered. Since, in most cases, there is but one extant source, a collation is impossible. Judging from contemporary comment, and from internal evidence, we may conclude that his epideictic addresses were partially revised before publication.<sup>78</sup>

Comprehensive accounts of Hilliard's stump orations --the third major category into which his political speak-

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<sup>77</sup>Five such speeches appear in pamphlet form.

<sup>78</sup>Information given the writer, June 11, 1952, at Montgomery, in interview with Peter A. Brannon.

ing falls--are rare. For the most part, newspaper reports of these addresses are but synopses of what was said. It is difficult, therefore, to obtain an accurate picture of the actual language which Hilliard employed on the stump. The authenticity of the speeches which do appear in relatively complete form cannot be fully determined. Usually they were reproduced from the shorthand notes used by the reporter.

Specifically, what influence, it may be asked in conclusion, did Hilliard have upon the times in which he lived? Was he heard, appreciated, and soon forgotten, or did he produce a significant effect upon political thought? To appreciate fully the results of Hilliard's efforts it is necessary to keep in mind that he was, for the most part, a spokesman for the minority. From the period of his entrance into politics until the Civil War, the political forces which opposed him were in the majority. As an Alabama Whig he operated in a predominantly Democratic state. Not even his brief courtship with the Democratic party from 1857 through 1859 altered his minority position; for the secessionist wing of the party--at least in the latter months of this three-year period--was in control. Nor was the situation different while Hilliard served in Congress. As a representative of the South he again spoke for the minority.

While Hilliard's status prevented his being elected to the Senate, it did not perceptibly lessen his influence in Alabama or in the nation. Through the power of his eloquence, he often rose above his status to make an impact upon society. So convincing were his speeches on behalf of Harrison in 1840, for example, that he almost carried the state of Alabama for the Whig candidate. Five years later he was elected as the first representative from the Second Congressional District and as the only Whig from the state. In all, he won three successive campaigns for a congressional seat and influenced the results of another.

From 1846 through 1851, Hilliard, along with Toombs and Stephens, was one of the most powerful Southern Whigs in Congress. His staunch Southern rights policy served as a stabilizing force to the national party. Used as a wedge to bring the Northern radicals into line, the aggressive-defensive action--recommended so forcefully by Toombs, Stephens, and Hilliard--contributed significantly to the defeat of the Wilmot proviso and to the passage of compromise measures favorable to the South. Hilliard's maiden speech on the Oregon question, furthermore, was regarded by eminent political leaders and newspaper editors as an important step in the prevention of war with Great Britain.

At the conclusion of his service in Congress, Hilliard returned home to score his greatest political

triumphs. In the years preceding the Civil War he managed, perhaps more than any other figure in the state of Alabama, to impede the progress of the secessionists. Defeating Yancey in an acknowledged contest between unionism and secession in 1851, he continued until the election of Lincoln to thwart the great fire-eater's plans to sectionalize the South. It is not surprising that when the tide of secession finally threatened to engulf the South, Hilliard, the most eloquent Unionist in the history of Alabama, was still heard with respect and attention by those who could no longer accept his views.

Another factor which should not go unnoticed was Hilliard's influence in the North. His conservative addresses, particularly in the contest of 1860, gave encouragement to the moderates in the key states of New York and Massachusetts. In Hilliard the Northern conservatives saw a man who represented the type of Southern thought that they wished to cultivate.

In short, Hilliard was effective in projecting his ideas, and his rhetorical practice was the prime factor in his success. Because of the nature of his temperament he needed great occasions to stimulate the powers of his oratory. The period in which he lived provided the conflicts, the audience, and the opponents which combined to produce the great occasions that enabled him to speak

with influence on the crucial issues of ante-bellum  
American history.

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This dissertation was prepared under the direction of the chairman of the candidate's supervisory committee and has been approved by all members of the committee. It was submitted to the Dean of the College of Arts and Sciences and to the Graduate Council and was approved as partial fulfilment of the requirements for the degree of Doctor of Philosophy.

August 10, 1953

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